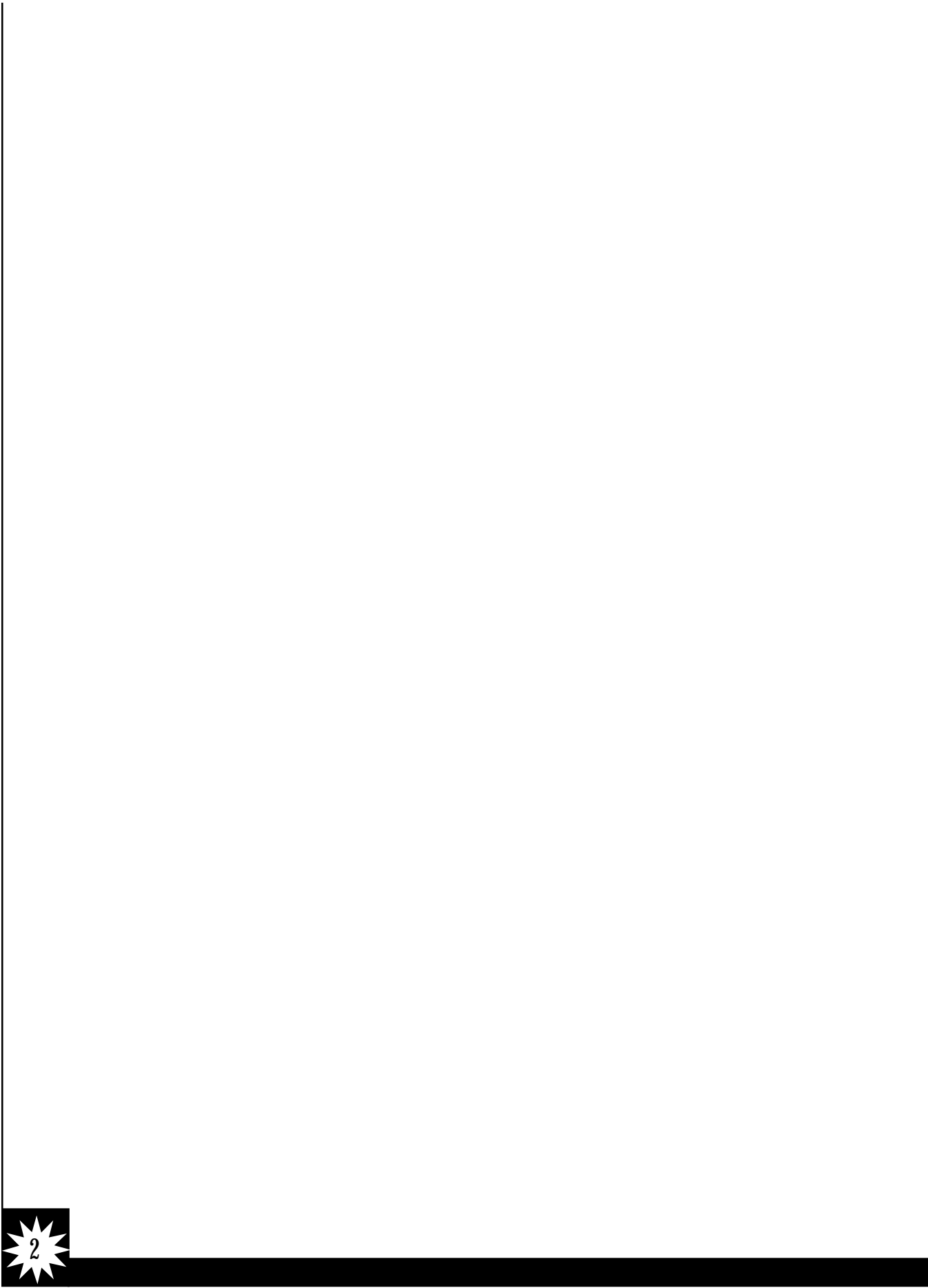




Section I

- **Foreword**
- **Preface**
- **Indian Law-Related Education Curriculum Writing Team**
- **Special Thanks**
- **Law-Related Education Advisory Board**
- **Law-Related Education Trainer List**
- **How to Use This Document**



Section I

Introduction

✧ Foreword ✧

In 1989, the Montana Accreditation Standards provided the focus for the improvement of instruction through the development of curricula and assessment. At this time, it is my great pleasure to present the newest state model curriculum guide. This document is the direct result of Montana's continued commitment to excellence in education.

Central to Law-Related Education is the development of enlightened citizens who have the tools to make positive and informed choices acting effectively as members of local, tribal, state, national, and international communities. Citizens who understand that with rights come responsibility to themselves, to others, and to the government, as well as an ethical responsibility. It is the task of the school, with the aide of the community, to develop curricula that enable citizenship education to take place not only in the classroom but to continue into the community as well.

The study of Law-Related Education must also embrace the concepts of law as it pertains to the American Indian. It is hoped that this document will assist schools to do this.

Professionals from all regions and cultures of Montana devoted their time and expertise to this project. I would like to thank the team of writers, the many individuals and organizations that provided information and resources, and the law-related education community of Montana for their contributions in developing this Indian Law-Related Education Model Curriculum.



*For a subject worked and reworked so often in
novels, motion pictures and television,
American Indians remain probably the least understood
and most misunderstood Americans for us all.*
—John F. Kennedy, 1963



☼ Preface ☼

This curriculum model is the result of many hours of dedication by a wide variety of people and organizations. Without their interest, support, and expertise, this document would not have been possible. The curriculum writing team would like to express our deep-felt thanks to all who helped in this endeavor.

All through the development and writing process, the curriculum team strove to maintain integrity to the various peoples and cultures represented in this document. It is our hope that this document will answer a need felt by many people in Montana and bring the concept of law as it pertains to the American Indian into the mainstream of education.

A special thank you goes to the Office of Public Instruction Word Processing staff and the Publication and Graphics Bureau for the State of Montana. Without their supreme effort, this document would not have been possible. The document was formatted and designed by Gail Hansen, Word Processing Supervisor. Title page and map design are by Heather Mandville. Cover art is by Clarence Cuts the Rope.

The curriculum writing team would like to dedicate this curriculum model to the children.

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Curriculum Writing Team ☼
1993-1995

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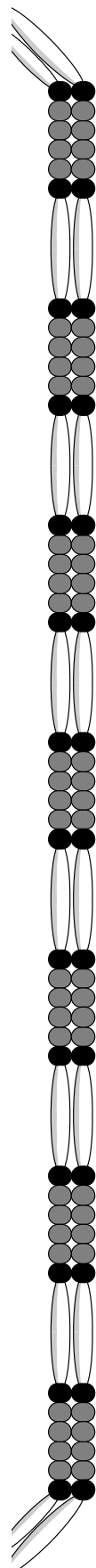
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*Come with me through time and mind for the past
beckons to be known. And the future, crouched like a
panther in the bough of a tree, waits to see . . . if we
have truly grown while it grows impatiently.
—White Deer Of Autumn*



✧ Terri Miller ✧

Terri Miller, co-coordinator of the Indian Law-Related Education (ILRE) writing team, currently teaches K-8 music and gifted education, junior high literature, and is half-time assistant principal at Cayuse Prairie School District 10 near Kalispell. She received her bachelor's and master's degrees from the University of Nebraska, and completed her administrative course work at the University of Montana. Prior to moving to Montana with her family, Terri taught K-12 music, speech and drama, and presented workshops in integrated arts and humanities across Nebraska. In addition, she has been a professional singer and choral director.

In 1989, Terri attended the Montana Law-Related Education Summer Institute and has been actively involved with the project ever since. Having received extensive national training, she is currently a trainer for the National Youth for Justice and the Montana LRE projects. Terri has presented at numerous workshops, seminars and training in the areas of fine arts, integrated curricula, gifted education and LRE. Her background includes serving on several curriculum writing teams, including the *Montana Social Studies Model Curriculum Guide*.

✧ Wilhemina Willie Wright ✧

Wilhemina "Willie" Wright is a member of the Confederated Salish & Kootenai Tribe, and co-coordinator of the Office of Public Instruction's LRE program's curriculum writing team. Ms. Wright has been an educator in the Arlee School District on the Flathead Reservation for the past 17 years, and has lived on the reservation for most of her life. Ms. Wright has served on the Montana Advisory Council for Indian Education for the past three years. Ms. Wright is a graduate of the University of Montana with a degree in history, Native American studies and political science. She is working on a M.Ed. with an emphasis on bilingual/bicultural education. Ms. Wright is active in American Indian cultural events, and enjoys traditional dancing. Interacting with family, the Salish/Kootenai people and the environment are important to her day-to-day living.

✧ Kathy Felsman ✧

Kathy Felsman, a member of the Confederated Salish & Kootenai Tribes, received a B.A. in Education in 1977 from Eastern Washington University with a major in Physical Education and a minor in Social Studies. Since January of 1992, Kathy has been employed as the K-6 Indian Studies Teacher with the Arlee Public Schools. Currently, she is involved as a cultural consultant for the Arlee Model School, a part of the Office of Public Instruction's Framework for Aesthetic Literacy Grant

Kathy is a teacher with the Native Games Project for the Peoples Center of the Confederated Salish & Kootenai Tribes. She is helping students research old native games through books and interviews with Elders. This project will result in the production of a video of Salish & Kootenai native games. The grant from the Montana for the Humanities was awarded through The Peoples Center.

Kathy has been actively involved in the Law-Related Education Program as a curriculum writer since 1993.

☀ Rhonda Williams ☀

Rhonda has lived and taught in Blackfeet country for nine years, working with 4th-12th graders in a wide variety of subject areas. She is from northwest Arkansas and is a member of the Cherokee nation. She holds a master's degree in education of the gifted, and is an advocate of individualized education that responds to the talents and interests of all students. She received leadership training in the dissemination of gifted education and has been active in this field for many years. Currently, she serves as the historian for the Montana Association for Gifted and Talented Education.

Following an experience of jury duty, Rhonda began doing mock courts with her classes. This led to an extended interest in Law-Related Education and its many applications in the regular curriculum. During the summer of 1993, she attended a Taft Seminar in Missoula on the topic of "Native Government, U.S. Government." She presented on this topic at the National Conference for Gifted and Talented Education for Native People, and has written articles relevant to the Blackfeet tribal government.

Rhonda's philosophy of education focuses on creating places where respect and honesty are normal expectations. Helping to write the Indian Law-Related Curriculum Guide has allowed her to express this philosophy while learning from a diverse group of people.

☀ Marilyn Ryan ☀

Marilyn Ryan has been a middle school social studies teacher in the Missoula County Public Schools for 23 years. She is currently on leave from teaching serving as local president for the Missoula Education Association. She earned her bachelor's degree in history and political science and her master's degree in education from the University of Montana.

Marilyn began her association with Law-Related Education in 1990, with participation in the Constitutional Rights Foundation training. She has also been trained by the Center for Civic Education and We The People. As a result of the national training, she has provided LRE workshops throughout Montana. Marilyn has been working with social studies curriculum development since 1976, both at the local and state levels. She is a past president of the Montana Council for Social Studies.

☀ Bob Hislop ☀

Bob Hislop comes to the curriculum team from Polson High School, where he teaches Bill of Rights, Problems of American Democracy, and American History. His Bill of Rights class has competed at the national level for the last seven years. He teaches on the Flathead Indian Reservation and came recommended for the writing team after taking the Taft Institute on American Political Parties and Native American Government.

☀ Caren Tucker ☀

For the past six years, Caren Tucker has been an elementary library media specialist with the Harlem School District. A graduate of Montana State University, Billings, Caren started her teaching career as a high school English teacher. Caren has a deep regard for the past—its history and its people—and hopes that the re-focusing on responsibility, loyalty, and commitment will help to heal some of society's ills.

☀ Georgia Howe ☀

Georgia, a member of the White-Earth Chippewa band, teaches Chapter 1 students at Lodge Grass High School. Georgia has taught students at all levels from Head Start through junior college. She has taught on various reservations for 24 years. Georgia is a graduate of Northern Arizona University and attended the University of New Mexico Indian Institute and the Arizona State Law School.

Georgia has been involved with Law-Related Education since 1993 and has presented on the topic of Indian Law-Related Education at the American Bar Association Leadership Conference.

☀ Caroline Tyler ☀

Caroline Tyler was born on Fort Belknap Indian Reservation in Harlem, Montana. Her father is Gros Ventre and her mother is Chippewa-Cree. Caroline is the only member of the writing team who is not directly involved in formal education. She is a juvenile probation officer for Youth Court Services of Cascade County in Great Falls. She is committed to the “mission” of juvenile probation officers when dealing with a youthful offender. That mission is an attempt to establish a balance between community safety and awareness, to establish accountability for the offense and the offender, and to have the youth leave the judicial system better off than when they entered it. Caroline offers the following message:

When dealing with Indian youth, the judicial system must be made aware that the Indian youth, due to their culture and environment, may not always understand or even respect the laws that are enforced off the reservations. It is a matter of documentation that Indian people are represented in the judicial system more often than anyone else. In my experience with the system, I am seeing that the problem is less a matter of prejudice and discrimination, but more a lack of understanding and tolerance. I also believe that both the judicial system and the Indian people must take responsibility for this fact and work at a solution. Until both worlds can come to an understanding and respect of each other, there will always be a sense of distrust. As long as there is distrust, we will never solve this problem, and even worse, we will never learn to get along together.

☀ Lorrie Monprode-Holt ☀

Lorrie Monprode-Holt has been the Library Media Specialist and is the Director of Law-Related Education for the Montana Office of Public Instruction. She has also been a school and public librarian, a classroom teacher, and an instructor at the University of Montana, Dillon, and Portland State University, Oregon. Active as well in many organizations, she recently was invited to sit on the board of directors for the Center for Adolescent Development, the Advisory Board for the National Youth for Justice Council and is vice-president of the Board of the National Center for Law-Related Education, Inc. Ms. Monprode-Holt also serves on the Governor’s Youth Justice Advisory Council’s Subcommittee on Minority Overrepresentation. She has served as Montana’s Chapter Councilor for the American Library Association and on the American Association for School Librarians’ Board of Directors. Ms. Monprode-Holt is now a private consultant

Ms. Monprode-Holt travels the country giving workshops on various topics including folklore, Indian Law-Related Education, systemic approaches for violence prevention, and environmental justice.

An accomplished storyteller, Ms. Monprode-Holt tells stories to “children of all ages” and uses this background to make her workshops and inservices entertaining as well as practical.

☀ Special Thanks ☀

*What we consider the most important
thing on earth is our children.*
—Ben Black Bear

The Indian Law-Related Education Curriculum Writing Team and the Office of Public Instruction would like to thank the following individuals and organizations for their contributions in the development of this document.

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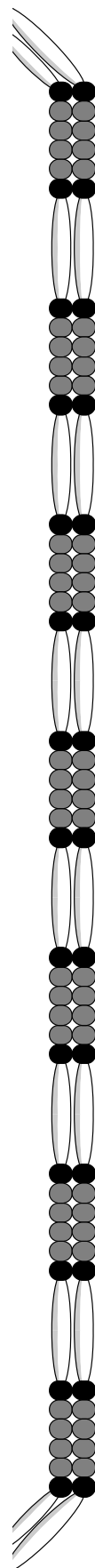
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☀ How to Use this Document ☀

☀ Questions to Ask

(see Flow Chart on page 13)

If you try to do something and fail, keep trying.

—Fools Crow

1. What's my grade level?
2. Look over sample lessons provided.
3. Which do I know the most about? OR Which interests me the most?
4. Choose the lesson I want to do first and consider adaptations.
5. Can I acquire all needed materials?

** Most of the information you need is provided with this document. We have also listed where you can find other materials. (Let us know if you have trouble locating any of them.)*

6. Gather materials and contact Community Resource People.
7. How does this fit in with my curriculum? What will the kids learn? What do they already know?
8. Refer to cluster/theme questions. Look at lesson objectives and write my lesson plans.
9. Am I ready to begin?
10. Do the lesson with any needed adaptations.
11. Did I accomplish what I wanted and/or expected?

**** Sample Lesson/Unit Plan: Where Do We Draw the Line?**

Objectives:

1. *Develop knowledge based on the topic: What are graffiti and vandalism and when do they become art?*
2. *Discuss cluster questions: How do individuals' decisions affect other citizens? What is private property? What is communal property? When do the rights of free expression conflict with the rights of other members of society?*
3. *Explore uses of symbols in various societies. Use And Still the Turtle Watches, When Clay Sings, cave paintings, and Egyptian symbols. Bring in examples close to home.*
4. *Practice reaching consensus through consensus questions and "Take a Stand" activities.*
5. *Connect ILRE themes to lesson through cluster questions: justice, responsibility, authority.*
6. *Connect social studies themes to lesson through cluster questions: cultural heritage, social history, tradition and change, citizenship, interdependence.*



Section II

- **Philosophy Statement**
 - **Defining Law-Related Education**
 - **Exploring the Connections**
 - **A Sociological Perspective**
 - **Interdisciplinary Connections to Accreditation Standards**
 - **Montana School Accreditation Standards and the Impact on Students**
 - **Model Learner Goals/Thematic Questions**
 - **Social Studies Thematic Questions**
- Focusing on Indian Law-Related Education**

Section II:

Model Curricular Framework

✧ Philosophy Statement ✧

Montana is a state rich in history, cultural diversity, and natural resources. One of Montana's most valuable resources is our children. As the children act within and upon their physical and social environments, they develop and grow in their understanding and perceptions of the world around them. It is our environment that helps shape us as human beings.

If you don't know the past, then you will not have a future.

*If you don't know where your people have been,
then you won't know where your people are going.*

—from *The Education of Little Tree*,
by Forrest Carter

Our first teachers are our families who teach us the concepts of right and wrong. Through this informal learning process we also develop a sense of family and community. Informal learning is joined with formal learning provided by the schools, whose primary purpose is to instill academic knowledge. This blending of formal and informal learning, together with the fostering of social skills, provides a means for developing civic responsibility.

Law-Related Education is a K-12 program which teaches the responsibilities and rights of citizens in the constitutional democracy. The integration of Indian law into all curriculum areas, especially Law-Related Education and Social Studies, serves to further improve citizenship.

In its constitution, Montana recognizes the 11 Indian tribes and seven reservations in the state, and the unique cultural heritage of American Indians. Because of this, the study of tribal governments must be an integral component of an educational program in all Montana schools. A structured approach is necessary to comprehend the connections relevant to national, state, local, and tribal governments whose contributions are the basis for our laws. Each division of government has its own distinct governance policies that must be respected, recognized, and understood by all people.

Montana's young people will need to be competent and active participants in their social, economic, natural, and political environments. As we all continue to develop and grow in our understanding of ourselves and of our role as citizens, we must be willing to examine issues and practices, and to engage in dialogue with others. If students are to become successful, productive human beings for the 21st century, schools need to continue to provide educationally relevant content that addresses the issues of justice, privacy, responsibility, authority, spirituality, and environment.

It is essential that our youth understand the various perspectives of diverse cultures and respect human differences. Knowledge, skills, and understanding will enable our youth to dispel the myths that distort history, to contribute effectively in a democratic society, to survive in a complex legal system, and to peacefully resolve conflict.

*Until America comes to terms with the conditions
and unresolved issues of American Indians, questions
will continue to haunt the nation's conscience.
If the Indians lose . . . we all lose.*

—American Indian Digest: Facts About Today's American
Indians, 1995 ed. Thunderbird Enterprises, Phoenix, AZ

✧ Defining Law-Related Education ✧

✧ What is Law-Related Education?

Education for citizenship in a constitutional democracy is the main purpose of LRE in elementary and secondary schools. Given the fundamental place of law in American society, every citizen needs to know how the legal and political systems function, how the law affects them, and how they can affect it. LRE is the practical application of law to daily living; it is not specialized legal education. It is intended to develop an understanding of the values and principles on which the legal system is based.

✧ Why should Law-Related Education be included in the curriculum?

Reasons for including LRE in the curriculum include: (1) the development of knowledge, (2) the development of critical thinking and participation skills needed for citizenship, (3) the development of positive attitudes, and (4) the prevention of delinquency.

✧ What makes an effective LRE program?

Although research findings support the proposition that LRE reduces delinquent behavior, they indicate as well that when law-related instruction does not incorporate several critical features, there may be no measurable effect or even a worsening of students' behavior. This can occur even in classes where students show gains in their knowledge about the law. It is only when certain features—(1) classroom use of outside resource persons, (2) sufficient quantity and quality of instruction, (3) judicious selection of illustrative case materials, (4) teaching strategies that foster true student interaction, (5) involvement of important school administrators, and (6) availability and use by teachers of professional peer support—are incorporated into law-related education programs that we find positive improvements in behavior and attitudes. LRE programs that work and law are distinguished by these six characteristics.

We were lawless people, but we were on pretty good terms with the Great Spirit, creator and ruler of all. When people live far from scenes of the Great Spirit's making, it's easy for them to forget his laws.
—Tatanga Mani (Walking Buffalo), Stoney

✴ **How does law-related instruction fit into the curriculum?**

There are three obvious approaches to the inclusion of LRE in the curriculum:

- use of special events about the law
- a special unit or course on LRE
- infusion of LRE into various standard courses

Special events, such as law day, annually provide opportunities to draw attention to LRE and to provide special programs. Teachers might invite lawyers to participate in classroom or schoolwide activities. Other special events include mock trial competitions, field trips to courtrooms, and essay contests.

A separate unit or course on LRE is often included in the secondary school curriculum. Separate units typically appear in government and civics courses. Law and citizenship courses are also offered as electives in many schools. In some schools, there is a required LRE course. In elementary schools, separate units on law are found at various levels in the social studies curriculum. These units typically include case studies, simulations such as mock trials, and field trips to courts or juvenile justice settings.

The infusion of LRE lessons into standard courses in the social studies in another way of integrating LRE with the existing curriculum. Courses in civics, American history, world history, and government are the most likely subjects for infusion of significant content about the law. For example, when American history students study about the Bill of Rights or the Fourteenth Amendment, illustrative cases may be infused to develop deeper understanding and application of LRE concepts.

It appears that a semester or year-long course on LRE makes a positive difference in knowledge, skills, and attitudes. However, some law-related educators believe, that the preferred approach is systematic infusion; they contend that a carefully integrated strand of LRE throughout the elementary and secondary curriculum will yield the best results in terms of quantity and quality of instruction. ⁽¹⁾

⁽¹⁾Excerpt from: Developing Law-Related Education Awareness Manual: to assist in developing awareness among teachers and resource persons. Published by: The Coordinating Committee of the LRE National Training and Dissemination Program.

✧ Indian Law-Related Education Themes ✧

Six broad-based themes are used as a focus for this model. The first four are borrowed from The Center for Civic Education's "Law in a Free Society" series, and are commonly addressed in LRE curricula. The fifth and sixth reflect the fact that spirituality and environment cannot be separated from Indian life and law. The brief definitions that follow should help to clarify the themes' function in this guide.

✧ Authority

Authority refers to the right to control or direct something or someone, and the rules and the people who use those rules to govern our lives. Authority is usually granted through laws, customs, or principles or morality. Its limits are also defined by those laws, customs and principles. Power is often mistaken for authority, but power is only the ability to control; authority requires the right to use that power.

*When we were created we were given our ground
to live on and from this time these were our rights.
—Chief Weninock, Yakima*

✧ Environment

Environment refers to all the surrounding things, conditions, and influences affecting the development of living things. It is through the environment that we grow in our understanding of our connectedness to our social and physical environments. Human actions affect the environment both positively and negatively. Legal issues concerning those effects across various cultures are complex and involve tradition and change.

✧ Justice

Justice refers to the idea of fairness to individuals and groups, and issues of justice are usually divided into three types. **Distributive justice** deals with the fair distribution of benefits or burdens among several individuals or groups. **Corrective justice** deals with the fairness of the response or correction for a wrong or injury to a person or group. And **procedural justice** deals with the

fairness of the response or correction for a wrong or injury to a person or group. And procedural justice deals with how fairly information is gathered or a decision is made; in other words, with the process, not with the result.

✴ Privacy

Privacy refers to the right and/or responsibility to keep something (the object of privacy) private. The object of privacy may be tangible, such as a document or heirloom, or intangible, such as an idea or secret. In issues of privacy, the costs and benefits to the individual and to society must be weighed.

✴ Responsibility

Responsibility refers to a person's obligation or duty to do something or not to do something. Sometimes our responsibility is to ourselves, sometimes to a group. There are consequences, both positive and negative, to meeting or not meeting our responsibilities. These consequences can range from the simple, such as having extra time for lunch or missing lunch completely, to the far-reaching, such as earning a scholarship or being incarcerated. Ultimately, the lack of taking responsibility can result in the loss of rights.

✴ Spirituality

Spirituality refers to devotion to spiritual rather than worldly ideas. It reflects a concern with the spirit or the soul. It is an integral part of the character of an individual or a society.

*Great Spirit, bless Mother Earth so the people
will live in harmony with nature.
—High Bear*

✧ How Indian Law-Related Education (ILRE) Fits With Montana's Social Studies Model Curriculum Guide

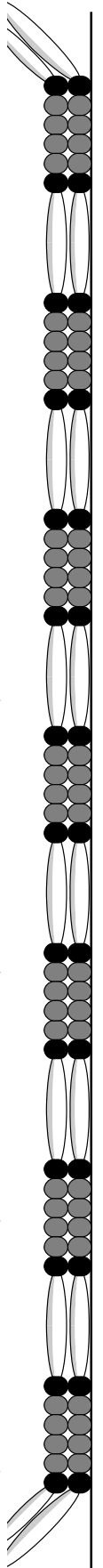
Law-Related Education (LRE) is an education approach designed to teach non-lawyers about law, the legal process, and the fundamental principles and values that underlie our constitutional democracy. Programs are characterized by relevant, high interest course materials; extensive use of community resource persons (CRPSs) from the justice system and related professions; field experiences; and participatory classroom teaching methods. LRE provides citizens with knowledge, skills, values and attitudes necessary to: (1) maintain a constitutional democracy, and (2) survive in our law-saturated, legally complex society; reduces juvenile delinquency when properly implemented and helps refocus teachers on the need to teach relevant content using the interactive methods that promote effective citizenship and civic literacy. Above all, LRE stresses the concept that, in order to preserve those rights we all value, each person must accept and execute certain responsibilities of personal, social, legal, and moral/religious nature. Montana and other states add another dimension to the study of legal systems. As people living on and off reservations cross those boundaries, they must be aware of the changes in laws and jurisdiction. All Montana students need to be educated concerning international, federal, state, local and tribal legal systems in order to function as positive members of our diverse society. No group or individual can stand alone and isolated from knowledge and civic cooperation with others. To address these needs, we have developed a model Indian Law-Related Education Curriculum Guide for teachers across the state to use with all Montana students.

Before we can set out on the road to success, we have to know where we are going, and before we can know that we must determine where we have been in the past.

—John F. Kennedy, 1963

The Montana *Social Studies Model Curriculum Guide* produced by the Office of Public Instruction in 1993 was intended to be a dynamic document to which new pieces could be added or with which other documents could be used. In order to produce a user-friendly document, the educators developing the ILRE Curriculum Guide have chosen to frame this document to mesh with the social studies guide.

An important component of this meshing process is the use of the thematic framework provided in the social studies model. We have referred to those themes in the sample lessons under the heading “Social Studies Themes.” Therefore, a teacher planning a unit on “Cultural Heritage” will find lessons in this ILRE guide by looking under “Social Studies Themes” for “Cultural Heritage.”



In addition, as in the social studies model, the model learner goals in this guide are stated in the form of sample thematic questions. To clarify the importance of the tribal belief systems as they impact the entire social studies curriculum, we have included a visual piece with accompanying narrative titled, “Our Mother Earth and All Life Are One...United.” These are found in the section called “Sociological Perspective.”

Another component of this document of obvious importance is a focus on Law-Related Education themes and concepts. The writers chose to concentrate on six broad-based themes. The first four, Responsibility, Authority, Privacy and Justice, are used by The Center for Civic Education and found in nearly all Law-Related Education materials. The fifth and sixth, Spirituality and Environment, reflect the importance the Indian people place on those concepts. Although elements of both exist in both social studies and LRE content, for the purpose of this guide, they deserve to stand alone as themes. These six themes are found in the sample lessons under the heading “ILRE Themes.” In addition, the teacher will find within each model unit or lesson a list of more specific law-related concepts and topics such as sovereignty, jurisdiction, case study, appellate court. These can be found under the heading “ILRE Concepts.”

It is our hope that this document will become an integral part of the social studies curriculum for all Montana students, and that you, as their teacher, will find it usable. We also hope that it serves to further the understanding of the cultural and legal diversity we all find in today’s society.

*No democracy can long survive which does
not accept as fundamental to its very existence
the recognition of minorities.
FDR, 1882-1945*

Whether we are called Native Americans, Indians, Cherokees, or Crees, we know what we are. Our devotion to Mother Earth and our awareness of the relationship we have with the Great Mystery make us what we are. All this, all this calls us back to our ancestors.
—White Deer of Autumn

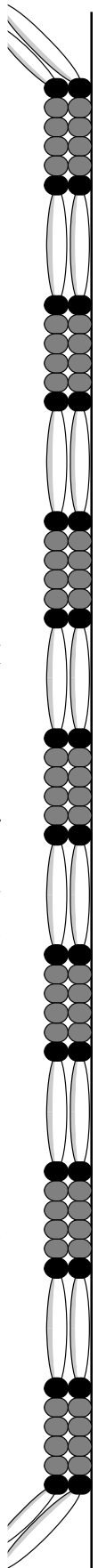
Every human being has a road to walk. The road you take may have many smaller roads. Yet, in our movement within the Circle of Life, we are linked together, for our Mother Earth and all life are one, united.

From a sociological perspective, it is our environment that helps shape us as human beings. When one sees oneself standing tall like the ponderosa pine, one asks, who am I? And where am I going? In one's search or quest for self-identity, many elements present themselves that assist in shaping our character and developing our personality.

The key element that links humankind to our Mother Earth is the environment. The sun, moon, stars, and the earth are one. The animals, the plants, winged beings and water beings are one. Our environment is a way of life. All life encompassed on this planet is dependent upon our Mother Earth. It is through the environment that we grow in our understanding of our connectedness to our social and physical environments. One's environment can be perceived as a necessary attribute that sustains life...all life. The environment is our food, shelter and clothing.

As one moves within the Circle of Life and continues to interact with the environment, one's life path can be said to be cyclical in nature. Our lives are ever unfolding like the flowers of time as we move within the seasons of spring, summer, winter, and fall. In this cyclical nature, life's circle is forever recurring because time moves in a circular motion, and just as the seasons unfold, so do our lives.

In this Circle of Life, one is tabula rasa, or born into this world without qualities. As an infant interacts with his or her significant others (family/friends) or generalized others, the child builds a foundation of self-identity. The "I-self" unfolds just as the wild rose that is nourished by nature. The family, clan or care providers are our first teachers. It is here that one's immediate needs are met, and it is here that love finds its roots and grows in many directions. Our family, clan or care providers teach us, and with their guidance we grow in our understanding of the world around us.



In our human interactions, we are capable of developing in language in order to communicate with humankind and the environment. Our first teachers give us the gift of cultural learning so we can build upon the perceptions that we formulate about people and the environment that we interact with each day. Our self identify is shaped and contingent upon the ways we come to know, the laws, rules, mores and norms of the culture we accept. The values we carry in our heart help us to grow in our communication and understanding of our immediate self as we continue to interact with ourselves, other people, and the environment. The concept of informal education begins at our roots, which we identify as home.

A time comes in each of our lives when we move out of the protective care of the family, clan, or care providers. The “stepping-out time” is when we leave our nests for a system of formal education called school. The educational system provides a means by which learning takes on new meaning and different dimensions. We come to interact with books, teachers, peers, counselors, administrators, principals and the many others employed in the educational system. Book learning replaces the cultural learning that traces back to our family, clan, or care providers. Informal learning may run contrary to formal learning which is a reality that cannot be ignored, and this reality may or may not affect an individual’s quest for self-identity.

School is an institution where learning takes place. School teaches the basic educational foundations such as a system of communication based on the premises of oral and written language, reading, math, social sciences, science, health and physical education, liberal arts and vocational skills. We learn to interact in various ways with our peers, teachers and others. Our interactions may be positive or negative depending upon our perceptions, attitudes, and how we relate to ourselves and to other individuals or people. Our social self, cultural environment, and physical environment all contribute to shape our character and personality. Schools further provide avenues for social experiences by providing a wide range of extracurricular activities. The school also transmits cultural values of patriotism, responsibility, and citizenship. The educational system attempts to prepare individuals to be successful and productive citizens. Both our informal and formal education are essential in respect to the decisions that are to be made regarding one’s personal vocation.

Each individual experiences what one may come to identify or know as the “trying times” in one’s life. These “trying times” may be associated with individual interdependence based on one’s personal volition. As we acquire knowledge and develop and grow in our understanding of time, place, people, and the environment, we develop attitudes and values that help in further shaping our self-identity. As we continue to expand, experience and act upon our social and physical environments, our perceptions may differ from those of other cultures or subcultures. Yet the diversities we all share should be respected, acknowledged, recognized, and appreciated.

In our quest for self-identity, our lives are intermingled with a wide range of human interactions. How we come to interact with our nation, state, tribe, or community is dependent upon how we have been treated and the experiences we have encountered, as well as the relationships we develop for each of these socially, politically, economically and geographically. Our lives are shaped by our demographics, where we live, and by the people who live there, and whom we

interact with. Our geographic locations assign us to a place that we may come to identify as our nation, our state, our community, our tribe. Our cultural roots bind us together if we are willing to accept the culture we are born into.

As each of us grows and develops in respect, understanding and appreciation of the world around us, we must work together to assist our governing bodies to continue in their efforts to protect our safety and well-being as a people. Our past, present, and future are dependent upon our responses to our governments, whether our interaction is with international governments, the federal government, state governments, tribal governments or local governments. We the people must let our voices be heard, for all our lives are impacted by the governments that we acknowledge.

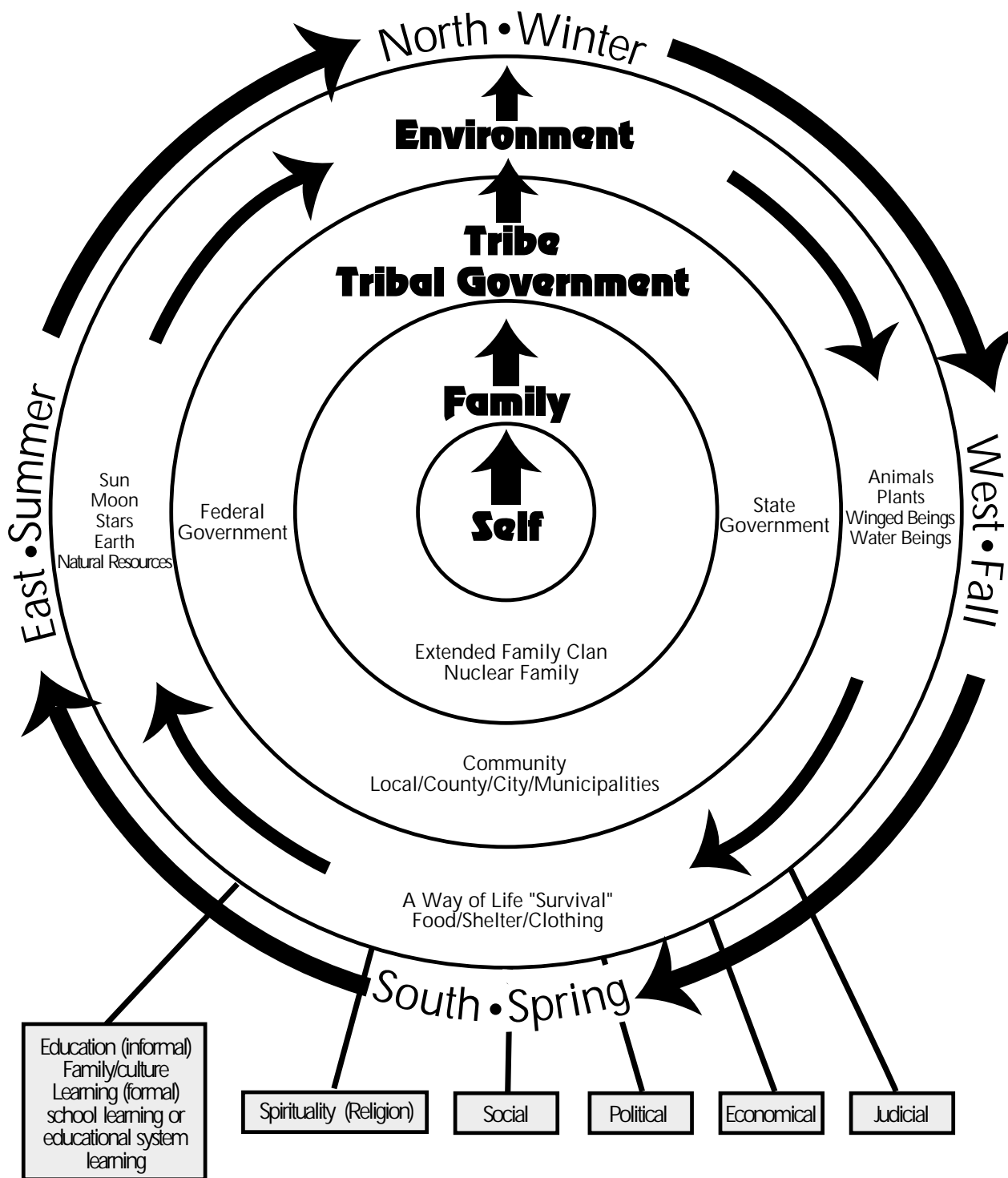
In our connectedness to our environment that shapes our lives as human beings, we must continue to respect our Mother Earth and all life. As we continue to move within the Circle of Life, our spiritual, social, political, economic, and judicial components play a significant role in each of our lives. Our environment, our government, and we as a people, are impacted by these components in a variety of ways because here in the United States, our society is based on capitalism and a system of supply and demand. The roads we have traveled have left their mark on the face of our Mother Earth and upon the people. There are still many roads to be traveled, and as we pave the way forward socially, politically and economically, let our visions be directed to our children and the generations of children yet to come.

Our Mother Earth and all life are one, united, and our environment is the key element that links us together and shapes our lives as human beings. We are all empowered with the spirit of life and intelligence. How we direct our spirituality is dependent upon our attitudes, values and beliefs that we acquire and accept as a people. To have faith is to believe in one's self or to have faith in a religion. The spirit and faith that we hold for ourselves and all life is the guiding force that has kept us moving forward in the Circle of Life from our past, present and future.

*The moon, the horizon, the rainbow—circles
within circles, with no beginning and no end.*
—Lame Deer

"OUR MOTHER EARTH AND ALL LIFE ARE ONE...UNITED."

A Sociological Perspective: Our Environment Helps Shape Us as Human Beings



"ALL PEOPLE AND ALL LIFE ARE CONNECTED TO OUR MOTHER EARTH..."

✧ Interdisciplinary Connections to Accreditation Standards ✧

Although Law-Related Education and Indian Law-Related Education obviously "fit" within the social studies curriculum, they can and should be integrated into many other curricular areas, as well. According to the Montana School Accreditation Standards and Procedures Manual, topics and concepts of LRE and ILRE must be included in several disciplines. The pertinent portions of the manual, from both the "Program Area Standards" and the "Model Learner Goals," have been included here. Review of these portions will aid the teacher in determining which concepts to include in each specific program area or to meet which learner goal.

*Give me your tired, your poor, your huddled masses
yearning to be free, the wretched refuse of your teeming
shore. Send these, the homeless, tempest-tossed to me.
I lift my lamp beside the golden door.
—Statue of Liberty inscription, 1903*

In addition, Montana school laws charge schools and teachers with providing moral and civic instruction and further define what that instruction shall include (20-4-301 MCA). LRE and ILRE curriculum can provide concepts and materials to meet those needs.

✧ Montana School Accreditation Standards and Procedures and the impact on students ✧

Sub-Chapter 10 Learner Goals

SCHOOL PROGRAM PROGRAM AREA STANDARDS

RULE 10.55.1002 CROSS-CONTENT AND THINKING SKILLS

All disciplines in the education program are interdependent and empowered by the application of creative and critical thinking skills. Subjects cannot be taught in isolation; they do, in fact, overlap and find their greatest value when they are part of an integrated program of knowledge, skills, and opportunities that challenge students. To this end:

Sub-Chapter 16

Social Studies: Program

Social studies draws on the social sciences (economics, history, political science, geography, sociology, anthropology, psychology) and the humanities (theory, literature, the arts, and philosophy). The social studies cover United States studies, global studies and the social science disciplines.

RULE 10.55.1601 SOCIAL STUDIES PROGRAM (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) A basic program in social studies gives the student an opportunity to:

- (a) Participate in meaningful first-hand and hands-on learning activities that draw on experiences in the home, school, neighborhood, and the world;
- (b) Participate in committee work, role playing, creative drama, classroom discussion, and interviews;
- (c) Develop research skills, which may include the gathering and recording of information from a variety of sources such as films, pictures, oral and written literature, music, and field trips;
- (d) Develop citizenship skills through sharing, acceptance of responsibility, cooperative learning, compromising, conflict resolution, and decision making;
- (e) Enhance his/her communication skills through drawing, acting, reading, writing, listening, and speaking;
- (f) Use topics that engage his/her interests and extend personal context for learning to a global realm. Learning activities are varied and involve the student intellectually, socially, and physically;
- (g) Nurture an understanding of the contemporary and historical traditions and values of Native American cultures and other minority cultures of significance to Montana and to society.

Sub-Chapter 19

Guidance: Program

Students of all ages must make many choices that affect their lives, now and in the future. Comprehensive guidance programs are a way to serve the divergent and changing needs of students.

Appendix A

Model Learner Goals

Communication Arts

Health Enhancement: Model Learner Goals

HEALTH ENHANCEMENT MODEL LEARNER GOALS: PRIMARY (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) By the end of the primary level, the student shall have had the opportunity to:

- (c) Develop positive interpersonal relationships and self-concepts.
- (2) By the end of the primary level, the student shall have had the opportunity to identify:
 - (b) Roles, responsibilities, contributions, and life cycles in a family structure.

HEALTH ENHANCEMENT MODEL LEARNER GOALS: INTERMEDIATE (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) By the end of the intermediate level, the student shall have had the opportunity to demonstrate:

- (c) Positive interpersonal relationships and self-concept.
- (2) By the end of the intermediate level, the student shall have had the opportunity to understand:
 - (f) Cultural, environmental, social, and ethical issues which affect healthy lifestyles.

HEALTH ENHANCEMENT MODEL LEARNER GOALS: UPON GRADUATION (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) Upon graduation, the student shall have had the opportunity to:

- (e) Understand roles, responsibilities, contributions, and life cycles in family structures.
- (k) Understand the consequences of personal and community decisions that affect the economy and the cost, availability, and quality of health care.

Science: Model Learner Goals

GENERAL SCIENCE MODEL LEARNER GOALS: PRIMARY (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) By the end of the primary level, the student shall have had the opportunity to:

- (b) Examine his/her environment using the five senses; recognize the limits of sensory perception.
- (m) Be aware of the need for conservation, preservation, and the wise use of natural resources.

GENERAL SCIENCE MODEL LEARNER GOALS: INTERMEDIATE (In accordance with ARM 10.55.603 and ARM 10.55.100) (1) By the end of the intermediate level, the student shall have had the opportunity to:

- (g) Be aware of the basic concepts in the life, physical, earth, and environmental sciences.
- (k) Be aware of the need for conservation, preservation, and the wise use of natural resources.

LIFE SCIENCE MODEL LEARNER GOALS: INTERMEDIATE (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) A course of study in life science, offered at the intermediate level, shall give the student the opportunity to:

- (a) Appreciate all living things and their relationships to one another and the environment.

GENERAL SCIENCE MODEL LEARNER GOALS: UPON GRADUATION (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) Upon graduation, the student shall have had the opportunity to:

- (r) Be aware of the need for conservation, preservation, and the wise use of natural resources.

Social Studies: Model Learner Goals

HISTORY AND WORLD CULTURE MODEL LEARNER GOALS: PRIMARY (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) By the end of the primary level, the student shall have had the opportunity to:

- (a) Begin to identify cultural characteristics such as social traditions, art forms, and language.
- (b) Demonstrate some basic knowledge about important chronological events in local, state, national, and world history.
- (c) Begin to provide examples of economic, cultural, political, and technological developments which have contributed to human progress.
- (d) Begin to identify individuals who played historical roles.

HISTORY AND WORLD CULTURE MODEL LEARNER GOALS: INTERMEDIATE (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) By the end of the intermediate level, the student shall have had the opportunity to:

- (a) Explain how technology, economic activities, and learned patterns of behavior, such as prejudice, discrimination, conformity, and acceptance influence culture.
- (c) Explain how the characteristics of culture are manifested in history, economics, government, arts, sciences, and religion.
- (f) Demonstrate a knowledge of Montana history and of the state's diverse cultures.

HISTORY AND WORLD CULTURE MODEL LEARNER GOALS: UPON GRADUATION (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) Upon graduation, the student shall have had the opportunity to:

- (a) Discuss the influence of social movements on the state, the nation, and the world.
- (b) Analyze contemporary world issues in order to make decisions governing one's own personal life.
- (c) Apply knowledge of history in determining plans of action for current and future concerns.
- (d) Use his/her understanding of local, national, and world culture in addressing modern social problems.

LAW AND LEGAL RIGHTS MODEL LEARNER GOALS: PRIMARY (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) By the end of the primary level, the student shall have had the opportunity to:

- (a) List some of the basic characteristics of the U.S. Constitution.
- (b) Explain some of the freedoms contained in the Bill of Rights.
- (c) Understand the basic functions of the U.S. government.
- (d) Begin to identify different levels of government, such as city, county, state, tribal, and federal government.
- (e) Explain some of the basic sources of law, such as congress and state legislatures.
- (f) List basic public services provided by government.
- (g) Experience involvement in his/her community through active participation in a community group.

LAW AND LEGAL RIGHTS MODEL LEARNER GOALS: INTERMEDIATE (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) By the end of the intermediate level, the student shall have had the opportunity to:

- (a) List the functions of the three branches of government.
- (b) Explain the need for and function of separation of powers and checks and balances.
- (c) List the individual rights protected by the first ten amendments to the U.S. Constitution.
- (d) Give reasons why the Bill of Rights was added to the Constitution.
- (e) Explain how constitutional change is made.
- (f) Discuss the characteristics of federalism.
- (g) Identify how laws emanate from various authorities.
- (h) Explain the difference between civil and criminal law.
- (i) Discuss the importance of judicial review.
- (j) Explain the need for and provision of due process of law.
- (k) Discuss the fundamental principles of American democracy.
- (l) Continue his/her involvement in community groups, organizations, or services.

LAW AND LEGAL RIGHTS MODEL LEARNER GOALS: UPON GRADUATION (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) Upon graduation, students shall have had the opportunity to:

- (a) Participate in the American political process by running for office, by working on campaigns, or by voting.
- (b) Make informed political decisions based on knowledge and understanding of political philosophy, constitutional doctrine, and organization of local, state, and national governments.
- (c) Apply an understanding of one's legal and civil rights in pursuing private and vocational endeavors.

GEOGRAPHY MODEL LEARNER GOALS: PRIMARY (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) By the end of the primary level, the student shall have had the opportunity to:

- (a) Begin to list the basic characteristics of natural, physical, and cultural environments.
- (f) Locate different cultural and physical regions.
- (i) Give examples of the need for and benefits of natural resource conservation.

GEOGRAPHY MODEL LEARNER GOALS: INTERMEDIATE (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) By the end of the intermediate level, the student shall have had the opportunity to:

- (a) Discuss the interrelationships of environments, cultures, and weather and how people adapt to them.

GEOGRAPHY MODEL LEARNER GOALS: UPON GRADUATION (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) Upon graduation, the student shall have had the opportunity to:

- (a) Demonstrate a knowledge of state, national, and world geography.
- (b) Make civic, vocational, and private decisions guided by an understanding of various global environments and cultural settings.

SOCIAL INSTITUTIONS MODEL LEARNER GOALS: PRIMARY (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) By the end of the primary level, the student shall have had the opportunity to:

- (b) List individual responsibilities, such as honesty, tolerance, and compassion.
- (c) List some of the basic social institutions, such as family, educational, and religious institutions.
- (e) Begin to discuss traits of interactive social processes, such as cooperation, competition, and conflict and how social roles of leadership, following, aggression, and submission affect these processes.
- (f) Identify some social classes and social groups, including ethnic and minority groups.
- (g) Give examples of social control, such as dependency, reward, and punishment.

SOCIAL INSTITUTIONS MODEL LEARNER GOALS: INTERMEDIATE (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) By the end of the intermediate level, the student shall have had the opportunity to:

- (b) Explain how basic differences between individual values and group norms impact social problems.
- (c) Explain the relationship of economics, politics, science, and religion to social institutions.
- (d) List examples of social interaction, such as peer pressure, group dynamics, assimilation, and accommodation.
- (e) Discuss how societies implement social control.

SOCIAL INSTITUTIONS MODEL LEARNER GOALS: UPON GRADUATION (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) Upon graduation, the student shall have had the opportunity to:

- (a) Understand and appreciate diverse worldwide social institutions.
- (b) Determine how current environmental, economic, and political changes affect various social changes throughout the world.

CRITICAL THINKING, PROBLEM SOLVING, AND DECISION MAKING MODEL LEARNER GOALS: PRIMARY (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) By the end of the primary level, the student shall have had the opportunity to:

- (a) Classify information by sequence and in groups.
- (b) Interpret information by stating relationships, noting cause and effect, drawing inferences, and predicting outcomes.
- (c) Analyze information by organizing key ideas, separating major components, examining relationships, detecting bias, and comparing and contrasting ideas.
- (d) Summarize information by restating major ideas and forming opinions.

- (e) Synthesize information by communicating orally and in writing.
- (f) Evaluate information by using criteria such as source, objectivity, and technical correctness.
- (g) Apply decision-making skills by securing needed factual information, recognizing values, identifying alternative courses and consequences, and taking action.

CRITICAL THINKING, PROBLEM SOLVING, AND DECISION MAKING MODEL LEARNER GOALS: INTERMEDIATE (In accordance with ARM 10.55.603 and ARM 10.55.1001)

(1) By the end of the intermediate level, the student shall have had the opportunity to:

- (a) Summarize information by combining critical concepts into a statement of conclusions and by stating a hypothesis.
- (b) Synthesize information by proposing a new plan or system and reinterpreting events in terms of what might have happened.
- (c) Use social and political participation skills to communicate effectively, recognize mutual relationships, set goals, plan, organize, and make decisions; keep informed, cooperate, negotiate, compromise, and accept responsibility.

CRITICAL THINKING, PROBLEM SOLVING, AND DECISION MAKING MODEL LEARNER GOALS: UPON GRADUATION (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) Upon graduation, the student shall have had the opportunity to:

- (a) Develop an ability to classify, interpret, and analyze information in the pursuit of his/her career, civic responsibilities, and economic and private endeavors.
- (b) Make decisions based on summarizing data and evaluating alternatives.

SOCIAL STUDIES PROGRAM DEVELOPMENT (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) The social studies curriculum shall be developed and evaluated according to the standards for all program areas.

(2) Students shall be encouraged to take advantage of spontaneous curiosity as it occurs in order to foster learning from current issues and events.

(3) Teachers shall recognize the effectiveness of thematic units that integrate social studies into cross-curriculum learning.

(4) Instruction in the social studies shall take advantage of out-of-classroom programs and resource people, natural and field experiences, and public service activities that enhance student learning.

BUSINESS AND OFFICE EDUCATION MODEL LEARNER GOALS (In accordance with ARM 10.55.603 and ARM 10.55.1001)

(1) If offered, a course of study in business and office education shall give the student the opportunity to:

- (f) Display leadership, citizenship, and cooperation developed through membership and participation in civic and vocational organizations.

Guidance: Model Learner Goals

GUIDANCE: PERSONAL DEVELOPMENT MODEL LEARNER GOALS: PRIMARY (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) By the end of the primary level, the student shall have had the opportunity to:

- (b) Experience security in his/her school environment.
- (d) Develop decision-making skills and accept responsibility for his/her decisions.

GUIDANCE: PERSONAL DEVELOPMENT MODEL LEARNER GOALS: INTERMEDIATE (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) By the end of the intermediate level, the student shall have had the opportunity to develop:

- (a) A sense of conscience, morality, personal value, and self-worth.
- (f) Strong decision-making skills and an acceptance of responsibility for his/her decisions.

GUIDANCE: PERSONAL DEVELOPMENT MODEL LEARNER GOALS: UPON GRADUATION (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) Upon graduation, a student shall have had the opportunity to:

- (a) Develop personal independence as a responsible adult.

GUIDANCE: SOCIAL DEVELOPMENT MODEL LEARNER GOALS: PRIMARY (In accordance with ARM 10.55.603 and ARM 10.55. 1001) (1) By the end of the primary level, the student shall have had the opportunity to:

- (c) Understand and appreciate the rights of others.

GUIDANCE: SOCIAL DEVELOPMENT MODEL LEARNER GOALS: INTERMEDIATE (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) By the end of the intermediate level, the student shall have had the opportunity to:

- (a) Gain a sense of social recognition.
- (b) Have the opportunity to establish close peer relationships.
- (c) Recognize and respect the fact that different people have different values and systems of values.

GUIDANCE: SOCIAL DEVELOPMENT MODEL LEARNER GOALS: UPON GRADUATION (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) Upon graduation, the student shall have had the opportunity to:

- (a) Develop a sense of responsibility to self, others, and society.
- (b) Use abilities and skills in establishing and maintaining family, peer, and community relationships.

✧ MODEL LEARNER GOALS/THEMATIC QUESTIONS ✧

Model learner goals for this document are stated in the form of sample thematic questions. These questions are categorized according to the six themes around which this guide is organized. The questions are further grouped by the grade level cluster at which they are introduced. In addition, each question is accompanied by a list of law-related and tribal law-related concepts relating to the question.

For example, for a fifth grade lesson or unit from the AUTHORITY theme, one might choose the organizing question, “How do leaders gain authority in various cultures?” Using the concepts listed with the question, content questions could be created for developing specific lessons or tasks. Such questions might include, “How are the results of national elections determined in the U.S.?”; “How do American Indians become members of their tribal councils?”; “How does an American Indian become a chief? Is the process the same in all tribes?”; “Besides elections, what other methods do cultures use to grant authority?”

*We therefore ask you while you are teaching
school children, teach them the truth about the
First Americans . . . Why not teach school children
more of the wholesome proverbs and legends of
our people? That we killed game only for food,
not for fun . . . Tell your children of the friendly acts
of Indians to the white people who first settled here. Tell
them of our leaders and heroes and their deeds . . . Put in
your history books the Indian's part in the World War.
Tell how the Indian fought for a country of which he
was not a citizen, for a flag to which he had no claim,
and for a people who treated him unjustly.
—Grand Council Fire of American Indians
to the Mayor of Chicago, 1927*

Model Learner Goals/Thematic Questions		Concepts	
<i>AUTHORITY</i>			
<i>PRIMARY • K-2 •</i>		<i>LRE</i>	<i>AMERICAN INDIAN</i>
<ul style="list-style-type: none"> • What is a tribe? • What is private property? • What is communal property? • How do groups best make decisions (compromise, consensus)? • What are the basic human rights? • How do our actions reflect understanding of basic human rights? • Who are the authority figures in various cultures? 		<ul style="list-style-type: none"> • Authority, sovereignty • Property rights, privacy • Property rights, privacy • Intergovernmental relations, Constitutional principles, consensus • Constitutional principles, privacy, expression • Constitutional principles, responsibility, consensus • Authority, sovereignty 	<ul style="list-style-type: none"> • Sovereignty, tribe, family • Communal property • Communal property, tribe • Tribe, band, rules, customs • Customs, tradition • Customs, tribal sovereignty • Elders, chief, tribe, tribal council
<i>INTERMEDIATE • 3-5 •</i>		<i>LRE</i>	<i>AMERICAN INDIAN</i>
<ul style="list-style-type: none"> • How do an individual's decisions affect other citizens? • When do the responsibilities of citizenship take precedence over personal rights? • When do rights of free expression conflict with the rights of other members of society? • How do leaders gain authority in various cultures? • What is the procedure for conducting peer mediation in order to resolve conflict? • What are the responsibilities of authorities in various cultures? 		<ul style="list-style-type: none"> • Privacy, Constitutional principles • Privacy, consensus, property rights, authority responsibility • Free expression, privacy, property rights, justice • Authority, sovereignty • Intergovernmental relations, consensus, responsibility • Authority, sovereignty 	<ul style="list-style-type: none"> • Tribe, customs, family • Customs, tribal religion • Customs, sovereignty • Elders, chief, customs, council • Tribal council, customs, treaties • Tribal council, customs, chief, self-determination
<i>MIDDLE SCHOOL • 6-8 •</i>		<i>LRE</i>	<i>AMERICAN INDIAN</i>
<ul style="list-style-type: none"> • How do symbols reflect values and attitudes of a society? • What is sovereignty? • How was the U.S. Constitution influenced by the governmental organization of the Iroquois league? • How are Tribal Councils similar to/different from each other and other governmental bodies? • What is jurisdiction? • What are some components of contemporary Indian governments? • How do Montana's Indian cultures compare with each other, both historically and currently? • How are governments and tribes trying to solve problems concerning natural resources? • How do contemporary lifestyles of Indians living on Montana reservations compare with those in urban areas? 		<ul style="list-style-type: none"> • Tradition • Sovereignty, authority • Sovereignty, consensus, tradition, property rights • Constitutional principles, authority, jurisdiction, authority • Authority, jurisdiction • Authority, sovereignty, Constitutional principles, intergovernmental relations • Authority, sovereignty • Consensus, tradition, authority, sovereignty • Responsibility, privacy, tradition 	<ul style="list-style-type: none"> • Customs, tribal religion • Tribe, chief, tribal council • Tribal government, customs • Tribal council, chief elders, customs • Self-determination, tribal council • Customs, consensus tribal council • Tribal council, customs, elders • Customs, religion • Customs

Model Learner Goals/Thematic Questions		Concepts	
<i>AUTHORITY</i> (cont.)			
<i>HIGH SCHOOL • 9-12 •</i>	<i>LRE</i>	<i>AMERICAN INDIAN</i>	
<ul style="list-style-type: none"> • How does sovereignty apply to Indian nations? • How are Indian nations recognized in the U.S. constitution? • How do state, federal and Indian Bills of Rights compare to each other? • How do basic courtroom procedures vary in different jurisdictions? • What is the nature of conflicts between modern tribal and state governments? • What is tribal jurisdiction and how does it interact with other bodies of authority? • What is the role of the federal government in solving disputes between states and the Indian reservations within those states? • What were the major issues that affected negotiations between tribal nations and the U.S. government? • What are the conflicts that arise from economic developments, sacred tribal sites, and environmental issues? 	<ul style="list-style-type: none"> • Sovereignty, authority • Constitutional principles, sovereignty, jurisdiction • Intergovernmental relations, Constitutional principles • Jurisdiction, justice, case law • Constitutional principles • Jurisdiction, intergovernmental relations, justice • Sovereignty, authority, Constitutional principles, consensus • Sovereignty, authority, Constitutional principles consensus • Sovereignty, authority, intergovernmental relations, responsibility • Sovereignty, tradition, intergovernmental relations jurisdiction 	<ul style="list-style-type: none"> • Self-determination, tribe, religion, customs • Tribe, customs, tribal sovereignty • Self-determination, customs, tribal religion • Tribal council, self-determination • Tribal council, tribe, customs • Tribal council, customs • Tribal council, customs • Customs, chief, treaties, religion • Tribal religion, customs, treaties 	
<i>ENVIRONMENT</i>			
<i>PRIMARY • K-2 •</i>	<i>LRE</i>	<i>AMERICAN INDIAN</i>	
<ul style="list-style-type: none"> • What is a tribe? • What is communal property? • What are the basic human rights? • How do our actions reflect understanding of basic human rights? 	<ul style="list-style-type: none"> • Authority, sovereignty • Property rights, privacy • Constitutional principles, privacy, expression • Constitutional principles, responsibility, consensus 	<ul style="list-style-type: none"> • Family, tribe • Communal property, tribe • Tribal customs, tradition • Elders, chief, tribal council 	
<i>INTERMEDIATE • 3-5 •</i>	<i>LRE</i>	<i>AMERICAN INDIAN</i>	
<ul style="list-style-type: none"> • How do an individual's decisions affect other citizens? • When do the responsibilities of citizenship take precedence over personal rights? * When do rights of free expression conflict with the rights of other members of society? 	<ul style="list-style-type: none"> • Privacy, Constitutional principles, intergovernmental relations • Privacy, sovereignty, consensus, Constitutional principles • Free expression, privacy, responsibility 	<ul style="list-style-type: none"> • Tribal customs, family • Communal property, sovereignty, customs • Customs, religion 	
<i>MIDDLE SCHOOL • 6-8 •</i>	<i>LRE</i>	<i>AMERICAN INDIAN</i>	
<ul style="list-style-type: none"> • How do Montana's Indian cultures compare with each other, both historically and currently? • How are governments and tribes trying to solve problems concerning natural resources? • How do contemporary lifestyles of Indians living on Montana reservations compare with those in urban areas? • How does Native American Folklore, as taught through legends, reflect tribal values? 	<ul style="list-style-type: none"> • Sovereignty • Consensus, sovereignty, intergovernmental relations • Responsibility, privacy, tradition • Tradition 	<ul style="list-style-type: none"> • Tradition, customs, tribal government • Tradition, customs • Customs • Tribal religion, customs 	

Model Learner Goals/Thematic Questions		Concepts	
<u>ENVIRONMENT</u> (cont.)			
HIGH SCHOOL • 9-12 •		<i>LRE</i>	<i>AMERICAN INDIAN</i>
<ul style="list-style-type: none"> • What are major issues that face contemporary tribal governments? • How do these issues reflect notions of environmental ethics? • What are the conflicts that arise from economic developments, sacred tribal sites, and environmental issues? • What were the major issues that affected negotiations between tribal nations and the U.S. government? in authority? in various cultures? 		<ul style="list-style-type: none"> • Authority, responsibility, intergovernmental relations • Authority, responsibility, intergovernmental relations • Sovereignty, tradition, intergovernmental relations, jurisdiction • Sovereignty, authority, intergovernmental relations, responsibility 	<ul style="list-style-type: none"> • Tribal religion, customs, treaties • Tribal religion, customs, treaties • Tribal religion, customs, treaties • Customs, chief, treaties, religion
<u>JUSTICE</u>			
PRIMARY CLUSTER • K-2 •		<i>LRE</i>	<i>AMERICAN INDIAN</i>
<ul style="list-style-type: none"> • How do groups best make decisions (compromise, consensus)? • What are the basic human rights? • How do our actions reflect understanding of basic human rights? • Who are the authority figures in various cultures? 		<ul style="list-style-type: none"> • Responsibility, authority, consensus, sovereignty, intergovernmental relations • Privacy, justice, property rights • Responsibility, authority, tradition, property rights, jurisdiction, Constitutional principles • Authority, sovereignty, Constitutional principles 	<ul style="list-style-type: none"> • Tribe, family, councils • Cultural rights, tradition, tribal council • Cultural rights, customs • Chief, council, elders, reservation
INTERMEDIATE • 3-5 •		<i>LRE</i>	<i>AMERICAN INDIAN</i>
<ul style="list-style-type: none"> • How do an individual's decisions affect other citizens? • When do the responsibilities of citizenship take precedence over personal rights? • When do rights of free expression conflict with the rights of other members of society? • How do leaders gain authority in various cultures? • What is the procedure for conducting peer mediation in order to resolve conflict? • What are the responsibilities of authorities in various cultures? 		<ul style="list-style-type: none"> • Privacy, responsibility, justice, Constitutional principles • Privacy, justice, sovereignty, Constitutional principles, intergovernmental relations • Expression, responsibility, privacy, Constitutional principles • Responsibility, authority, sovereignty, jurisdiction • Case law, justice, consensus • Sovereignty, jurisdiction, responsibility, authority 	<ul style="list-style-type: none"> Family, band, tribe Tribal, family, customs Customs, culture Tribal government, reservation government, elders, customs Tribal council, tradition, customs Elders, chief, family, tribal government
MIDDLE SCHOOL • 6-8 •		<i>LRE</i>	<i>AMERICAN INDIAN</i>
<ul style="list-style-type: none"> • What is sovereignty? • What are the rights guaranteed under the First Amendment? • How was the U.S. Constitution influenced by the governmental organization of the Iroquois league? • What are good ways to discuss differing points of view? • What are some components of contemporary Indian governments? • How are governments and tribes trying to solve problems concerning natural resources? • How do contemporary lifestyles of Indians living on Montana reservations compare with those in urban areas? 		<ul style="list-style-type: none"> • Sovereignty, authority, responsibility • Constitutional principles, expression, responsibility • Sovereignty, consensus, tradition, property rights, responsibility, authority • Consensus, justice, Constitutional principles, intergovernmental relations • Constitutional principles, sovereignty • Sovereignty, jurisdiction, intergovernmental relations, consensus • Responsibility, consensus, citizenship 	<ul style="list-style-type: none"> Elders, chief, tribal councils Tribal religion, customs Tribal government, customs Negotiations, treaties, elders, customs Tribe, elders, council, tribal religions Treaties, customs, religious sites Reservation, tribe, family, tribal religion

Model Learner Goals/Thematic Questions		Concepts	
<i>JUSTICE (CONT.)</i>			
<i>HIGH SCHOOL • 9-12 •</i>	<i>LRE</i>	<i>AMERICAN INDIAN</i>	
<ul style="list-style-type: none"> • How are Indian nations recognized in the U.S. Constitution? • What are the rights guaranteed under the Constitution/Bill of Rights? • How do state, federal and Indian Bills of Rights compare to each other? • How do basic courtroom procedures vary in different jurisdictions? • What is the nature of conflicts between modern tribal and state governments? • What is tribal jurisdiction and how does it interact with other bodies of authority? • What is the role of the federal government in solving disputes between states and the Indian reservations within those states? • What were the major issues that affected negotiations between tribal nations and the U.S. government? 	<ul style="list-style-type: none"> • Sovereignty, jurisdiction, Constitutional principles • Constitutional principles, responsibility, expression, privacy, property rights • Constitutional principles, property rights, sovereignty, jurisdiction • Jurisdiction, case law, justice, Constitutional principles • Authority, jurisdiction, case law, tradition, intergovernmental relations • Jurisdiction, authority, intergovernmental relations, sovereignty • Consensus, authority, Constitutional principles, justice, sovereignty • Sovereignty, jurisdiction, intergovernmental relations 	<ul style="list-style-type: none"> • Tribal sovereignty, treaties, council, elders • Sovereignty • Self-determination, customs, tribal religion • Tribal customs, sovereignty * Retrocession, customs, elders, tribal council • Elders, tribal council, customs • Treaties, customs, tribal council, self-determination • Treaties, sovereignty, self-determination, customs 	
<i>PRIVACY</i>			
<i>PRIMARY • K-2 •</i>	<i>LRE</i>	<i>AMERICAN INDIAN</i>	
<ul style="list-style-type: none"> • What is private property? • What is communal property? • What are the basic human rights? • How do our actions reflect understanding of basic human rights? 	<ul style="list-style-type: none"> • Privacy, property rights • Privacy, property rights • Privacy, property rights • Privacy, sovereignty, • Constitutional principles, responsibility 	<ul style="list-style-type: none"> • Customs • Customs, tribal religion • Customs • Customs, tribal religion, tribal sovereignty 	
<i>INTERMEDIATE • 3-5 •</i>	<i>LRE</i>	<i>AMERICAN INDIAN</i>	
<ul style="list-style-type: none"> • How do an individual's decisions affect other citizens? • When do the responsibilities of citizenship take precedence over personal rights? • When do rights of free expression conflict with the rights of other members of society? 	<ul style="list-style-type: none"> • Privacy, property rights, Constitutional principles, responsibility • Privacy, consensus, property rights, authority, responsibility • Free expression, privacy, property rights, justice 	<ul style="list-style-type: none"> • Communal property, tribal religion, customs • Customs, tribal religion • Customs, sovereignty 	
<i>MIDDLE SCHOOL • 6-8 •</i>	<i>LRE</i>	<i>AMERICAN INDIAN</i>	
<ul style="list-style-type: none"> • How do ideas of private and communal property interact/conflict? • What is jurisdiction? • What is the American Indian Religious Freedom Act? • How does Native American Folklore, as taught through legends, reflect tribal values? 	<ul style="list-style-type: none"> • Property rights, privacy, intergovernmental relations, jurisdiction • Jurisdiction, authority, sovereignty • Constitutional principles, intergovernmental relations • Tradition 	<ul style="list-style-type: none"> • Communal property, sovereignty • Tribal sovereignty • Tribal religion, customs, treaties • Customs, tribal religion 	

Model Learner Goals/Thematic Questions		Concepts	
<i>PRIVACY (cont.)</i>			
<i>HIGH SCHOOL • 9-12 •</i>	<i>LRE</i>	<i>AMERICAN INDIAN</i>	
<ul style="list-style-type: none"> • How does sovereignty apply to Indian nations? • What are the rights guaranteed under the Constitution/Bill of Rights? • How do state, federal and Indian Bills of Rights compare to each other? • What were the major issues that affected negotiations between tribal nations and the U.S. government? 	<ul style="list-style-type: none"> • Sovereignty, authority • Constitutional principles, responsibility • Intergovernmental relations, Constitutional principles • Sovereignty, tradition, privacy • Constitutional principles, authority, property rights 	<ul style="list-style-type: none"> • Tribal council, customs, elders, self-determination • Self-determination, customs • Self-determination, customs, tribal religion, treaties • Communal property, customs, religion, treaties 	
<i>RESPONSIBILITY</i>			
<i>PRIMARY • K-2 •</i>	<i>LRE</i>	<i>AMERICAN INDIAN</i>	
<ul style="list-style-type: none"> • What is a tribe? • What is private property? • What is communal property? • How do groups best make decisions (compromise, consensus)? • What are the basic human rights? • How do our actions reflect understanding of basic human rights? • Who are the authority figures in various cultures? 	<ul style="list-style-type: none"> • Authority, sovereignty • Property rights, privacy • Property rights, privacy • Intergovernmental relations, Constitutional principles, consensus • Constitutional principles, privacy, expression • Constitutional principles, responsibility, consensus • Authority, sovereignty 	<ul style="list-style-type: none"> • Sovereignty, family, tribe • Communal property • Communal property, tribe • Tribe, band, elders, customs • Tribal customs, traditions • Customs, sovereignty • Elders, chief, tribe, tribal council 	
<i>INTERMEDIATE • 3-5 •</i>	<i>LRE</i>	<i>AMERICAN INDIAN</i>	
<ul style="list-style-type: none"> • How do an individual's decisions affect other citizens? • When do the responsibilities of citizenship take precedence over personal rights? • When do rights of free expression conflict with the rights of other members of society? • How do leaders gain authority in various cultures? • What are the responsibilities of authorities in various cultures? 	<ul style="list-style-type: none"> • Constitutional principles, intergovernmental relations, privacy • Privacy, sovereignty, consensus, Constitutional principles • Free expression, privacy, responsibility • Authority, sovereignty • Authority, sovereignty, Constitutional principles, intergovernmental relations 	<ul style="list-style-type: none"> • Tribe, customs, family • Communal property, sovereignty, customs • Customs, religion • Elders, chief, customs, council • Tribe, chief, family council 	

Model Learner Goals/Thematic Questions		Concepts	
<i>RESPONSIBILITY (cont.)</i>			
<i>MIDDLE SCHOOL • 6-8 •</i>	<i>LRE</i>	<i>AMERICAN INDIAN</i>	
<ul style="list-style-type: none"> • How do ideas of private and communal property interact/conflict? • What is sovereignty? • What is the American Indian Religious Freedom Act? • What are the rights guaranteed under the First Amendment? • How was the U.S. Constitution influenced by the governmental organization of the Iroquois league? • How are Tribal Councils similar to/different from each other and other governmental bodies? • What is jurisdiction? • What are good ways to discuss differing points of view? • What are some components of contemporary Indian governments? • How do Montana's Indian cultures compare with each other, both historically and currently? • How are governments and tribes trying to solve problems concerning natural resources? • How does Native American Folklore, as taught through legends, reflect tribal values? 	<ul style="list-style-type: none"> • Property rights, privacy • Sovereignty, authority • Constitutional principles • Expression, religion, press, Constitutional principles • Sovereignty, consensus, property rights, authority responsibility • Authority, sovereignty, jurisdiction • Jurisdiction, authority • Consensus, Constitutional principles, intergovernmental relations • Constitutional principles, sovereignty, tradition • Sovereignty • Consensus, sovereignty, Intergovernmental relations • Tradition 	<ul style="list-style-type: none"> • Communal property, customs • Treaties, elders, chief • Tribal religion, customs • Tribal religion, customs • Tribal government, authority • Tribal council, tribe, customs • Tribal council • Pow wow, customs, tribal council • Tribal council, customs • Tradition, customs, tribal government, treaties • Tradition, customs, self-determination • Customs, tribal religion 	
<i>HIGH SCHOOL • 9-12 •</i>	<i>LRE</i>	<i>AMERICAN INDIAN</i>	
<ul style="list-style-type: none"> • How does sovereignty apply to Indian nations? • What are the rights guaranteed under the Constitution/ Bill of Rights? • How do state, federal and Indian Bills of Rights compare to each other? • How do basic courtroom procedures vary in different jurisdictions? • What is the role of the federal government in solving disputes between states and the Indian reservations within those states? • What were the major issues that affected negotiations between tribal nations and the U.S. government? • How do these issues reflect notions of environmental ethics? • What are the conflicts that arise from economic developments, sacred tribal sites, and environmental issues? 	<ul style="list-style-type: none"> • Sovereignty, authority • Responsibility, privacy, Constitutional principles • Intergovernmental relations, Constitutional principles • Jurisdiction, justice, case law, Constitutional principles • Sovereignty, authority, consensus, Constitutional principles • Sovereignty, authority, intergovernmental relations, responsibility • Authority, responsibility, intergovernmental relations • Sovereignty, tradition, intergovernmental relations jurisdiction 	<ul style="list-style-type: none"> • Self-determination, elders, tribal council, customs • Self-determination, customs • Self-determination, customs • Tribal council, self-determination • Tribal council, customs • Customs, chief, treaties, religion • Tribal religion, customs, treaties • Tribal religion, customs, treaties 	
<i>SPIRITUALITY</i>			
<i>PRIMARY • K-2 •</i>	<i>LRE</i>	<i>AMERICAN INDIAN</i>	
<ul style="list-style-type: none"> • What are the basic human rights? • How do our actions reflect understanding of basic human rights? • Who are the authority figures in various cultures? 	<ul style="list-style-type: none"> • Privacy, property rights • Privacy, sovereignty, Constitutional principles, responsibility • Authority, sovereignty 	<ul style="list-style-type: none"> • Tribal religion, customs • Customs, tribal sovereignty, tribal religion • Elders, chief, tribe, tribal council 	

Model Learner Goals/Thematic Questions		Concepts	
<i>SPIRITUALITY (cont.)</i>			
<i>INTERMEDIATE • 3-5 •</i>	<i>LRE</i>	<i>AMERICAN INDIAN</i>	
<ul style="list-style-type: none"> • How do an individual's decisions affect other citizens? • When do the responsibilities of citizenship take precedence over personal rights? • When do rights of free expression conflict with the rights of other members of society? • How do leaders gain authority in various cultures? • What are the responsibilities of authorities in various cultures? 	<ul style="list-style-type: none"> • Privacy, Constitutional principles, intergovernmental relations • Privacy, sovereignty, Constitutional principles, Free expression, privacy responsibility • Authority, sovereignty • Authority, sovereignty, Constitutional principles, intergovernmental relations 	<ul style="list-style-type: none"> • Tribe, customs, family • Communal property, elders, customs • Customs, religion • Elders, chief, customs, council • Tribe, chief, family, council 	
<i>MIDDLE SCHOOL • 6-8 •</i>	<i>LRE</i>	<i>AMERICAN INDIAN</i>	
<ul style="list-style-type: none"> • How do symbols reflect values and attitudes of a society? • What is the American Indian Religious Freedom Act? • How do Montana's Indian cultures compare with each other, both historically and currently? • How are governments and tribes trying to solve problems concerning natural resources? • How does Native American Folklore, as taught through legends, reflect tribal values? 	<ul style="list-style-type: none"> • Tradition • Constitutional principles, intergovernmental relations • Sovereignty, authority • Consensus, sovereignty, intergovernmental relations • Tradition 	<ul style="list-style-type: none"> • Customs, tribal religion • Tribal religion, customs, treaties • Tradition, customs, treaties, tribal government • Tradition, customs • Tribal religion, customs 	
<i>HIGH SCHOOL • 9-12 •</i>	<i>LRE</i>	<i>AMERICAN INDIAN</i>	
<ul style="list-style-type: none"> • What were the major issues that affected negotiations between tribal nations and the U.S. government? • What are the conflicts that arise from economic developments, sacred tribal sites, and environmental issues? 	<ul style="list-style-type: none"> • Sovereignty, authority, intergovernmental relations, responsibility • Sovereignty, tradition, intergovernmental relations, jurisdiction 	<ul style="list-style-type: none"> • Customs, chief, treaties, religion • Tribal religion, customs, treaties 	

✧ Social Studies Thematic Questions focusing on Indian Law-Related Education ✧

1. Cultural Heritage

Primary K-2

- What is a tribe?
- Who are the authority figures in various cultures?

Intermediate 3-5

- What are the responsibilities of authorities in various cultures?

Middle School 6-8

- What is the American Indian Religious Freedom Act?
- How was the U.S. Constitution influenced by the governmental organization of the Iroquois league?
- How does Native American Folklore, as taught through legends, reflect tribal values?

High School 9-12

- What are the conflicts that arise from economic developments, sacred tribal sites, and environmental issues?

2. Social History

Primary K-2

- What is a tribe?

Intermediate 3-5

- How do leaders gain authority in various cultures?
- When do rights of free expression conflict with the rights of other members of society?

Middle School 6-8

- How do symbols reflect values and attitudes of a society?

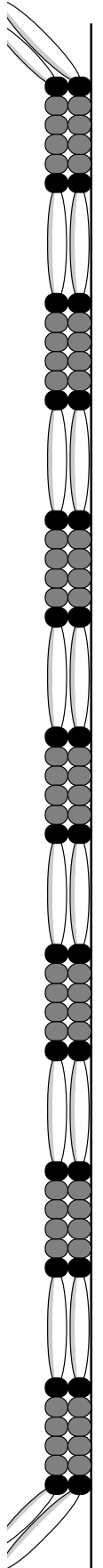
3. Tradition and Change

Middle School 6-8

- How do symbols reflect values and attitudes of a society?
- What is jurisdiction?
- How do contemporary lifestyles of Indians living on Montana reservations compare with those in urban areas?
- How does Native American Folklore, as taught through legends, reflect tribal values?

High School 9-12

- How does sovereignty apply to Indian nations?
- How do basic courtroom procedures vary in different jurisdictions?
- What are major issues that face contemporary tribal governments?



4. Social Contracts

Primary K-2

- What is private property?
- What is communal property?
- How do groups best make decisions (compromise, consensus)?
- What are the basic human rights?
- How do our actions reflect understanding of basic human rights?

Intermediate 3-5

- How do an individual's decisions affect other citizens?
- What is the procedure for conducting peer mediation in order to resolve conflict?

Middle School 6-8

- How do ideas of private and communal property interact/conflict?
- What are good ways to discuss differing points of view?
- What are some components of contemporary Indian governments?

High School 9-12

- How are Indian nations recognized in the U.S. Constitution?
- What are the rights guaranteed under the Constitution/Bill of Rights?
- What is the role of the federal government in solving disputes between states and the Indian reservations within those states?

5. Citizenship

Primary K-2

- How do groups best make decisions (compromise, consensus)?
- What are the basic human rights?
- How do our actions reflect understanding of basic human rights?

Intermediate 3-5

- How do an individual's decisions affect other citizens?
- When do the responsibilities of citizenship take precedence over personal rights?
- When do rights of free expression conflict with the rights of other members of society?
- What is the procedure for conducting peer mediation in order to resolve conflict?

Middle School 6-8

- What is the American Indian Religious Freedom Act?
- What are the rights guaranteed under the First Amendment?
- How was the U.S. Constitution influenced by the governmental organization of the Iroquois league?

High School 9-12

- What are the rights guaranteed under the Constitution/Bill of Rights?

6. Political/Economic

Primary K-2

- What is a tribe?
- Who are the authority figures in various cultures?

Intermediate 3-4

- How do leaders gain authority in various cultures?
- What are the responsibilities of authorities in various cultures?

Middle School 6-8

- How do ideas of private and communal property interact/conflict?
- What is sovereignty?
- How are Tribal Councils similar to/different from each other and other governmental bodies?
- What is jurisdiction?
- What are some components of contemporary Indian governments?
- How do Montana's Indian cultures compare with each other, both historically and currently?
- How are governments and tribes trying to solve problems concerning natural resources?

High School 9-12

- How does sovereignty apply to Indian nations?
- How do basic courtroom procedures vary in different jurisdictions?
- What is the nature of conflicts between modern tribal and state governments?
- What is tribal jurisdiction and how does it interact with other bodies of authority?
- What were the major issues that affected negotiations between tribal nations and the U.S. government?

7. Technology

Middle School 6-8

- How are governments and tribes trying to solve problems concerning natural resources?

High School 9-12

- What are the conflicts that arise from economic developments, sacred tribal sites, and environmental issues?

8. Space, Place, Movement

Primary K-2

- What is private property?
- What is communal property?

Middle School 6-8

- How do contemporary lifestyles of Indians living on Montana reservations compare with those in urban areas?

High School 9-12

- What is the nature of conflicts between modern tribal and state governments?
- What were the major issues that affected negotiations between tribal nations and the U.S. government?
- How do these issues reflect notions of environmental ethics?

9. Global Perspective

Middle School 6-8

- What is sovereignty?
- How are Tribal Councils similar to/different from each other and other governmental bodies?

High School 9-12

- What are major issues that face contemporary tribal governments?
- How do these issues reflect notions of environmental ethics?

10. Interdependence

Primary K-2

- What is communal property?

Intermediate 3-5

- How do an individual's decisions affect other citizens?
- When do the responsibilities of citizenship take precedence over personal rights?

Middle School 6-8

- What are the rights guaranteed under the First Amendment?
- How was the U.S. Constitution influenced by the governmental organization of the Iroquois league?
- What are good ways to discuss differing points of view?
- How do Montana's Indian cultures compare with each other, both historically and currently?

High School 9-12

- How are Indian nations recognized in the U.S. constitution?
- How do state, federal and Indian Bills of Rights compare to each other?
- What is tribal jurisdiction and how does it interact with other bodies of authority?
- What is the role of the federal government in solving disputes between states and the Indian reservations within those states?

✧ Indian Law-Related Education Scope and Sequence ✧

The following scope and sequence chart is based on the typical developmental ages of the students at each grade cluster level and is stated in the form of brief, broad objectives, or goals.

K-2 Cluster

- Examine the social units of family, community, tribe
- Explore the concepts of right and wrong
- Introduce the ideas of “me” and “we”
- Identify rules affecting one’s life
- Examine the need for rules that work
- Develop skills for working with others
- Introduce the concept of self-responsibility
- Integrate ILRE concepts with literature, social studies, and other disciplines

3-5 Cluster

- Examine social, natural, and political environments
- Identify one’s place in family, community, tribe, nation
- Investigate the relevance of geography to movement, settlement and placement of groups of people
- Develop participation and decision-making skills
- Compare lifestyles of various tribes and other cultural groups
- Connect cultural and historical events to ideas and customs to look at different perspectives
- Introduce roles and responsibilities of people with authority
- Investigate the various facets of governments
- Integrate ILRE concepts with literature, social studies, and other disciplines

6-8 Cluster

- Develop critical thinking skills
- Investigate various activities of responsible members of family, community, tribe, state and nation
- Apply participation and decision-making skills
- Compare the frameworks of diverse governments
- Examine the workings of the justice system
- Practice looking at issues from different points of view
- Explore the process of fact-finding
- Integrate ILRE concepts with all curricular areas

9-12 Cluster

- Explore the systems and processes that make democratic societies work; e.g., law, justice and economics
- Promote acknowledgement and understanding of the interdependence of diverse cultures
- Develop the skills necessary to become responsible members of family, community, tribe, state, nation, and world
- Foster the recognition of the intrinsic influence of customs, rules and laws on all aspects of daily life
- Integrate ILRE with all disciplines



Section III

- **Assessment in an Indian Law-Related Education Setting**
- **Assessment Procedure**
- **Evaluation Methods**

Section III:

Assessment

✧ Assessment in an ILRE Setting ✧

Assessment of the students' work, of the effectiveness of each lesson, and of the ILRE curriculum is vital. By assessing student work, teachers can determine whether a lesson needs to be changed in any way, whether more pre-teaching was needed, whether methods used were effective for the class, therefore avoiding an ineffective lesson in the future. Just as a variety of teaching methods and activities is important, so is a variety of assessment tools. The writers of this guide suggest that the teacher consults the assessment section of the *Montana Social Studies Model Curriculum Guide* for a variety of assessment techniques. In addition, there are some necessary components for effective ILRE lessons that must be considered when planning for assessment.

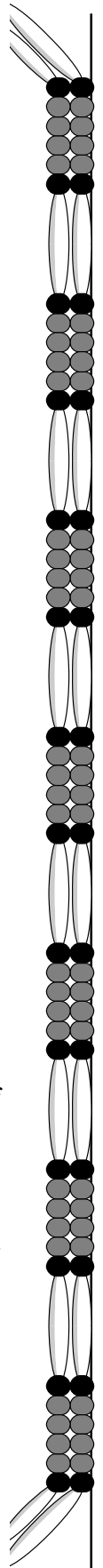
The first component is the existence of well-written objectives which are clear and measurable. Assessment is the measurement of how well those objectives were met.

The second component is the use of Community Resource Persons (CRPs) from the justice system, various levels of governments (including tribal), and related professions. Not only are CRPs important to a successful ILRE program, they are helpful in evaluating and clarifying student responses. This is especially useful to the teacher with little background in the law or government.

The third component is the use of a variety of participatory activities for ILRE lessons. This, of course, requires appropriate performance-based assessment tools.

The fourth component is the inclusion of a debriefing process at the close of an ILRE lesson. This is a means of immediate feedback to the students who can confirm what they learned or learned to do, and to the teacher who can quickly determine the overall effectiveness of (a) the lesson, and (b) the teaching strategies used. In other words, the debrief is a quick, if not complete, version of assessment.

In this section of the guide, the teacher will find four lessons set up in a different format than those in the sample lessons booklet. The four included here are called, "Sample Task and Assess-



ment Procedures,” and demonstrate the use of the above components, as well as examples of assessment rubrics.

For even more information on assessment, contact the Office of Public Instruction.

*Indians are polarized between tradition and culture
on one hand and adaptation to the progress
of the dominant culture on the other.*

*—American Indian Digest:
Facts About Today's American Indians,
1995 ed. Thunderbird Enterprises,
Phoenix, AZ*

✧ Assessment Procedure ✧

✧ PRIMARY CLUSTER - GRADES K-2

Responsibility (ILRE Theme)

ORGANIZING QUESTION(S)

What is the difference between private and communal property?

LEARNING GOAL(S)

Distinguish between private property and communal property in specific social settings.

THEMATIC QUESTIONS/CONTENT

- What is private property? (concept of individual ownership)
- What is communal property? (concept of mutual ownership)
- What is mine; what is yours; what is ours?
- What are cultural rules for borrowing?
- What are cultural rules for lending?
- How do we show respect for all property?

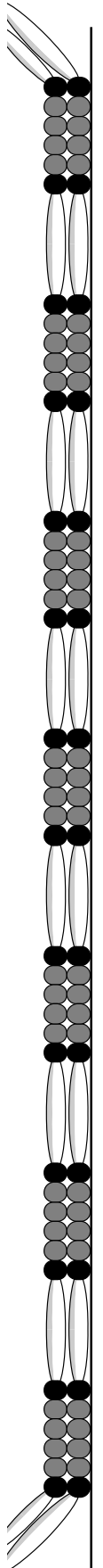
PERFORMANCE TASK

Individual Performance Tasks

1. Each student will bring a personal item from home to share with the class. The student will explain what importance the object holds for him/herself.
2. Each student designs and creates a quilt square that reflects the quilt's designated theme, then explains the meaning of his/her square to the class.

Group Performance Tasks

3. With the assistance of adults, the students will join their own quilt squares to create a communal quilt wall hanging to be displayed at the Native American Day festivities.
4. The class will create and perform a poem or song related to the designated quilt theme.



DEBRIEF OF LESSON

The class discusses the following questions:

- Did each quilt square belong to someone? To whom?
- Who owns the quilt now? Why?
- Can you take the quilt home without permission? Why or why not?

RUBRIC

- 3—The personal sharing reflects the understanding of the concept of private ownership and clearly states the object's importance.
- 2—The quilt square design and its explanation relate to the designated theme.
- 1—Participation in both the creation and the performance of the song/poem is active and appropriate.

✳ INTERMEDIATE CLUSTER - GRADES 3-5

Environment (ILRE Theme)

ORGANIZING QUESTION(S)

How are other people affected by decisions made by individuals?

LEARNING GOAL(S)

Connect cause and effect to the consequences of incidents in a story, and apply them to a real-life situation.

THEMATIC QUESTIONS/CONTENT

- What does “cause and effect” mean?
- What are some of the everyday decisions that individuals make?
- What are some examples of positive and negative consequences students face as a result of their decisions?
- What are some of the long-term decisions that individuals or groups need to consider regarding their environment?
- What are some rules and laws that limit our actions in order to protect the environment?

PERFORMANCE TASK

Individual Performance Tasks

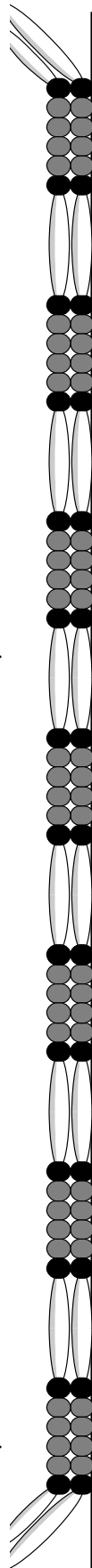
1. Each student will “teach” one environmental law fact to at least three other students.
2. Each student will share with the entire class one fact he/she learned other than his/her own until all facts are presented.

Group Performance Tasks

3. Based upon the incidents in the story And Still the Turtle Watched (or a similar story) and upon the facts learned in the “Each One Teach One” activity, each group will create a collage which reflects their knowledge and perspectives relative to the environment.

DEBRIEF OF LESSON

4. Using butcher paper attached to the displayed posters, each student writes one example of an environmental fact he found on the poster, repeating the process for each poster. Each student will place his initials beside his comments.



5. The class discusses the following questions:

- What can young people do to help protect the environment?
- In what ways do you think the environment is being threatened?
- In what ways do you think the environment is being protected?

RUBRIC

- 4—Facts are presented clearly to three students; active listening is demonstrated through appropriate body language and correct oral repetition of facts learned/individual cooperation and contribution significantly enhances the group's progress; the visual and oral components of the collage and the debrief reinforce the audience's understanding of the topic, its ongoing problems and possible solutions.
- 3—Facts are read verbatim to three students; effort to actively listen is demonstrated by body language and oral repetition of one fact; individual cooperation and contribution somewhat enhances the group's progress; the visual and oral components of the collage and the debrief reinforce to a degree the audience's understanding of the topic, its ongoing problems and possible solutions.
- 2—Facts are presented in a confusing way; body language and/or incorrect oral repetition of facts indicates lack of active listening; individual cooperation and contribution toward the group's progress is lacking; the visual and oral components of the collage and the debrief confuse the audience's understanding of the topic, its ongoing problems and possible solutions.
- 1—Facts are presented flippantly or not at all; negative body language and inability to repeat facts orally demonstrate no attempt to actively listen; individual cooperation and contribution detract from the group's progress; the visual and oral components of the collage and the debrief show little relevance to the topic or its ongoing problems, and offer no possible solutions.

✱ MIDDLE SCHOOL CLUSTER - GRADES 6-8

Authority (ILRE Theme)

ORGANIZING QUESTION(S)

What is government and what should it do?

LEARNING GOAL(S)

Demonstrate an understanding of the form and function of tribal governments.

THEMATIC QUESTIONS/CONTENT

- What is tribal government?
- What is the purpose and function of tribal governments?
- How are tribal governments organized?
- How do tribal governments make, apply, and enforce rules and laws for others?
- Where do the people in tribal governments get their authority to make, apply, and enforce rules and laws and to manage disputes about them?

PERFORMANCE TASKS

Individual Performance Tasks

1. Each student will prepare a visual flow chart of tribal government describing the structure, purpose, and function of a specific tribal government.
2. Following the study of tribal governments, the class will visit a tribal council meeting. Each student will participate in a reenactment of a tribal council meeting.

Group Performance Task

3. Working in cooperative groups, students will select and investigate a tribal (concern) problem. Each group will pretend to be members of the tribal council, and will propose a solution to the problem (concern). Students will predict the impact of their proposed solution and present the predicted results of implementation of their solution through an oral presentation and the use of visuals, e.g., graphs, flowmaps, charts, etc. The presentation will be given to the class and/or to a panel of local adults (possibly members of the tribal council).



DEBRIEF OF LESSON

The class will discuss the following questions:

- What were some of the similarities and differences in the tribal governments studied?
- What were some of the things your group considered when deciding on what solution to propose?

RUBRIC

- 4—The flow chart accurately describes the structure, purpose and function of the tribal government in a visual format; the presentation demonstrates that the problem and proposed solution are well documented, and uses reliable resources; the proposed solution is realistic and demonstrates a clear understanding of the function and power of the tribal council of the specific tribe chosen for study; the visual and oral components of the presentation significantly enhances the audience's understanding of the problem, the proposed solution, and the predicted results.
- 3—The flow chart describes with reasonable accuracy the structure, purpose and function of the tribal government in a visual format; the presentation demonstrates some documentation of the problem and proposed solution, and uses reliable resources; the proposed solution is realistic and reflects some understanding of the function and power of the tribal council of the specific tribe chosen for study; and visual and oral components of the presentation somewhat enhance the audience's understanding of the problem, the proposed solution, and the predicted results.
- 2—The flow chart describes in confusing visual format and with a few errors the structure, purpose and function of the tribal government; the presentation demonstrates little documentation of the problem and proposed solution, and reliability of resources used is questionable; the proposed solution is unrealistic and/or reflected little understanding of the function and power of the tribal council of the specific tribe chosen for the study; the visual and oral components of the presentation tend to confuse the audience's understanding of the problem, the proposed solution, and the predicted results.
- 1—The flow chart inaccurately and in confusing visual format attempts to describe the structure, purpose and function of the tribal government; the presentation is unsupported by documentation of the problem and proposed solution, or by reliable resources; the proposed solution is unrealistic, reflects little understanding of the function and power of the tribal council, and is not relevant to the specific tribe chosen for study; the visual and oral components of the presentation confuse the audience's understanding of the problem, the proposed solution, and the predicted results.

✳ HIGH SCHOOL CLUSTER - GRADES 9-12

Spirituality (ILRE Theme)

ORGANIZING QUESTION(S)

- What protections are guaranteed in the American Indian Freedom of Religion Act (A.I.F.R.A.)?
- What rights are guaranteed to all people under the freedom of religion clause of the First Amendment to the Bill of Rights?

LEARNING GOAL(S)

Demonstrate an understanding of the reasons why American Indians have been granted certain religious rights that go beyond the limitations imposed by the First Amendment to the Bill of Rights.

THEMATIC QUESTIONS/CONTENT

- In what settings are American Indians allowed to practice their religion?
- What is the difference between the establishment clause and the free exercise clause?
- What provisions were granted in the American Indian Freedom of Religion Act that specifically addresses traditional religions of the American Indians?
- What impact does the decision in the case *Lee v. Weisman* have on students in Montana?

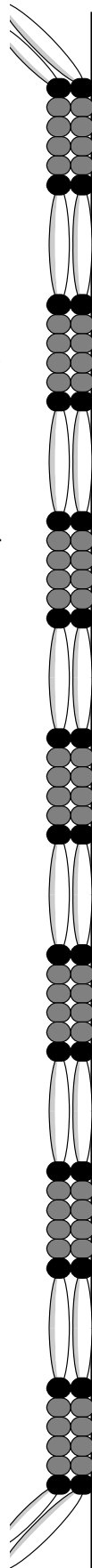
PERFORMANCE TASK

Individual Performance Tasks

1. Each student will create and draw a symbol and explain its meaning to the class.
2. Each student will identify and explain in writing the symbolism depicted in the movie, *Walking in a Sacred Manner*.

Group Performance Tasks

3. Small groups will determine the connection between *Lee v. Weisman*, A.I.F.R.A., and the movie, then orally report their findings to the class.
4. The class will collectively label the individually created symbols by categories such as “animals, environment and religion.”



5. The class will discuss the use of the symbols in relation to the provisions of A.I.F.R.A. and the First Amendment.

DEBRIEF OF LESSON

1. What are some symbols used in non-Indian religions? What restrictions are placed on their use? Why?
2. Why are Indian religions allowed much more latitude?
3. What did you learn that you didn't already know?

RUBRIC

- 4—The explanation of the created symbol is clear and logical; the written interpretation of symbolism from the film demonstrates mastery of critical observation skills and a basic understanding of the symbols' meanings; the presentation illustrates a clear comprehension of the impact of the cited laws on the practices of Indian and non-Indian religions; participation in the discussion reveals an accurate working knowledge of the connections between the annotated symbols and film symbols and their relation to A.I.F.R.A. and the First Amendment.
- 3—The explanation of the created symbol is reasonably clear and logical; the written interpretation of symbolism from the film demonstrates some mastery of critical observation skills and a basic understanding of the symbols' meanings; the presentation illustrates a comprehension of some of the impact of the cited laws on the practices of Indian and non-Indian religions; participation in the discussion reveals a basic working knowledge of the connections between the annotated symbols and film symbols and their relation to A.I.F.R.A. and the First Amendment.
- 2—The explanation of the created symbol is reasonably clear, but lacks logic; the written interpretation of symbolism from the film shows little mastery of critical observation skills or a lack of basic understanding of the symbols' meanings; the presentation illustrates little comprehension of the impact of the cited laws on the practices of Indian and non-Indian religions; participation in the discussion is minimal and shows little knowledge of the connections between the annotated symbols and film symbols and their relation to A.I.F.R.A. and the First Amendment.
- 1—The explanation of the created symbol is unclear and lacks logic; the written interpretation of symbolism from the film shows a lack of mastery of critical observation skills and a lack of basic understanding of the symbols' meanings; the presentation demonstrates no comprehension of the impact of the cited laws on the practices of Indian and non-Indian religions; participation in the discussion is nonexistent.

From: *Community Storytelling*, Northwest Indian Education Technical Assistance Center, Gonzaga University,
School of Education, Spokane, WA 99258-0001.

The two methods of evaluation recommended for use in Indian Education programs are *naturalistic evaluation* and *authentic assessment*.

✧ Naturalistic Evaluation

In Guba and Lincoln's book, *Effective Evaluation* (1981, pg. 153), they site three main kinds of measures in collecting data through naturalistic evaluation. These measures are: (a) interviewing, (b) observations, and (c) non-verbal communications.

“Of all the means of exchanging information or gathering data known to man, perhaps the oldest and most respected is the conversation. Simple or complex, face-to-face exchanges between human beings have served for eons to convey messages, express sympathy, declare wars, make truces, and preserve history. As an extension of that heritage, interviewing—the “conversation with a purpose” (Dexter, 1970, pg. 136)—is perhaps the oldest and certainly one of the most respected of the tools that the inquirer can use.” (Guba and Lincoln, 1981).

These approaches resonate with traditional and contemporary tribal values. According to Guba and Lincoln, interviews may take many forms. Interviews may range between loose and unstructured to a highly structured format such as a questionnaire. The interviewer tries to enter the subjective world of interviewee. Guba and Lincoln refer to Gatz and Hoagland's (1978) explorations of questions in unstructured interviewing.

1. Is this question necessary? How will the response be used? Analyzed?
2. Does this question cover the topic? Are other additional questions necessary?
3. How will this question be interpreted? Does the interviewer need other facts concerning the matter before the answer will make sense? Does the interviewer need or want knowledge of the respondent's attitude (preferences, values, beliefs) on the matter? If so, ought one to probe the content, intensity, stability, or depth of those attitudes, values, feelings? What dimensions would be valuable to have?
4. Do the respondents have the information to answer the question? Has the interviewer allowed for differences? How reliable would the interviewer expect the responses to be?
5. How valid overall does the interviewer expect the answer to be? Is the question leading? Is it framed in value-neutral terms? Is it part of a response set? Is the response likely to be adequate? Will the respondent be willing to give the information? Under what circumstances?

What assumptions are implicit in the question? What is taken for granted by the interviewer? What are possible frames of reference for the questions?

Characteristics and skills of the interviewer are important considerations in providing an effective evaluation. Interviewing skills stressed by Dexter (1970) as reported by Guba and Lincoln (pg. 142, 1981) are:

1. stressing the interviewer's definition of the situation,
2. encouraging the interviewee to structure the account of the situation,
3. letting the interviewee introduce to a considerable extent (an extent which will of course vary from project to project and interviewer to interviewer) his notions of what he regards as relevant, instead of relying upon the investigator's notions of relevance [p. 5].

Tymitz and Wolf (1977) list the necessary traits of an interviewer as:

- People should not be placed as interviewers in situations where they will encounter pet peeves.
- People who are unafraid to enter into new situations but who can also be unobtrusive make good natural inquirers.
- Good listeners make good observers, as do people with a wide range of interests.
- People who are relatively unfamiliar or value free with respect to situations make good participant/observers because they don't feel compelled to interpret. Pick people with the most potential to "go in clean" whenever you can.
- Curious, inquisitive people are good candidates for natural inquire [pp. 12-13].

✳ **Authentic Assessment**

Authentic assessment is a method of evaluation designed to *reflect real-life situations* and *challenge a student's ability to demonstrate what he or she has learned* (Alaska Native Education and Technical Assistance Center, 1992). There are three assessment strategies described at length as Appendix A. These strategies are: performance and projects, portfolios, and final exhibition.

Section IV

- **Components for Effective Law-Related Education Lessons**
- **Community Resource Persons (CRPs): Guidelines for Using Them Effectively**
- **Suggestions for Handling Controversy for Teachers and Resource People**
- **Adversary Approach**
- **Teacher Reminders of How to Relate to the Indian Child**
- **Examples of Legal Issues Governing American Indian Tribes**
- **Tribes or Bands Identified as Beneficiary or Wards**
- **Our Elders From a Native American Perspective**
- **American Indian Folklore**
- **Treaty of Fort Laramie Summary**
- **The Fort Laramie Treaty of 1868**
- **Treaty of Hellgate**

Section IV:

Appendices

✧ Components for Effective LRE Lessons ✧

✧ Background Information

What do the students already know? What else do they need to know before proceeding?

✧ Objectives

What do you want the students to know and to be able to do at the end of the lesson? Lesson objectives should be clear, realistic, achievable and measurable.

✧ Participatory Activities

Becoming a responsible citizen requires learning and practicing many skills. An effective LRE lesson provides opportunity to participate in activities such as debate, role-playing, mock hearings and trials, election process, individual and group decision-making, and other forms of critical thinking and civic involvement.

✧ Balanced Use of Case Materials

Rules and laws are developed when ideas and/or actions are in conflict. Therefore, dealing with controversy is an essential part of LRE programs. Issues should be addressed from more than one viewpoint supported by appropriate case materials.

I am sitting outside my hogan. I am thinking, looking at the red rocks, the ridges, the sheep, the plants, and all in my world. I am thinking what it will be like in the future.

—Thomas Littleben, Rock Point School

✴ **Community Resource Persons**

The use of a Community Resource Person (CRP) whenever possible increases the effectiveness and validity of the LRE lesson. The CRP is present not to replace the teacher, but to lend expertise to the lesson. Rather than delivering a lecture, the CRP is most beneficial when working directly with the students, and when given adequate direction and preparation. (See “Community Resource Persons: Guidelines for Using Them Effectively.”)

✴ **Debrief**

Were all the lesson objectives met? The debrief is usually done in the form of a question/answer session to determine what the students learned and to provide immediate feedback to individual students on their own knowledge and skills. The debrief is also useful to the teacher to indicate what needs to be added, changed, or deleted from the lesson for future use, and what follow-up is needed.

✴ **Indian LRE**

Lessons in American Indian Law-Related Education will be most effective if, in addition to the components described above, there is a clear focus on tribal laws and/or cultural mores. Teachers are also encouraged to be aware and considerate of possible cultural differences that may complement and/or conflict with certain activities or classroom expectations. (See “How to Relate to the Indian Child in the Classroom,” “Native American Cultural Differences,” and samples of ILRE lessons.)

NOTE: For more information about effective LRE lessons, see “Defining Law-Related Education.”

✧ Community Resource Persons (CRPs): Guidelines for Using Them Effectively ✧

Research has shown that the appropriate use of community resource persons contributes strongly to the effectiveness of Law-Related Education programs. Not only do CRPs bring content knowledge to the lesson, but they also serve as positive adult role models in non-threatening situations. Their interaction with students can help to encourage positive behaviors and favorable attitudes toward the law.

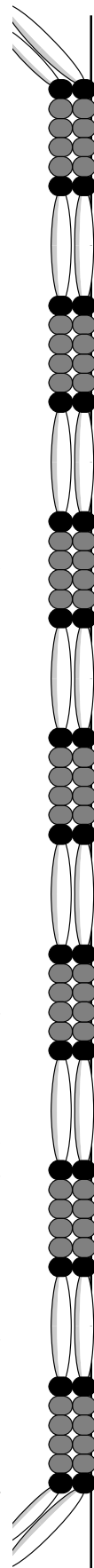
The teacher's first concern should be careful selection of a CRP. The resource person chosen should be knowledgeable about the content being taught, willing to take suggestions about working with students and, hopefully, have a positive attitude about youth.

Because most CRPs are not trained teachers, they need information to make their participation more successful. The resource person needs to be clear in advance about what procedures and results the teacher plans. In many cases, the CRP would prefer to be involved in the planning process. The following guidelines and procedures should help to ensure the CRP's success.

Well before the visit, the CRP should know:

- What is the topic and what strategies do you plan to use? Be specific about what the CRP will do: Judge a mock trial, coach participants in a role play, lead a discussion, etc. Consider the necessity of designing the activities to involve all students, including any who may typically be less enthusiastic.
- What is the class like? Include such details as number of students, age and grade level, cultural background as it affects learning, level of knowledge about the topic.
- What are the practical arrangements? Specify room size and configuration, equipment available, amount of time available, presence of students with special physical or learning style needs.
- How does this lesson fit in your curriculum? Consider how it follows previous lessons and sets up future lessons, its goals and objectives, and what focus you want the CRP to take. It is important to emphasize the need to maintain a balanced presentation, especially when dealing with controversial issues. If your CRP insists on presenting a one-sided viewpoint, you may need to invite a second CRP to present the opposite side.
- What happens at the close of the lesson? Will you or the CRP handle the debrief and what techniques will you use? The CRP may also be helpful during evaluation procedures and in setting up extension activities.

Prior to the CRP's visit, the teacher should prepare the students to positively participate in the lesson by having them create questions to ask, learn something about the CRP's background, or practice a procedure (hearing, debate, etc.). Be sure the students know how they will be evaluated.





✧ Suggestions for Handling Controversy for Teachers and Resource People ✧

1. Develop classroom rules for handling controversy (share them with the resource person).
2. Make the nature of the disagreement clear. Identify the issue, clarifying areas of agreement and disagreement. Name the underlying assumptions. Avoid slogans. Insist that students be concrete.
3. Make sure that students argue ideas, not personalities.

Students should attempt to understand other perspectives.

Students should admit doubts and weaknesses in their position.

They should concentrate on evidence, not speculation.

4. Good opinions are supported by facts, logically argued, and articulated with clearly defined terms.
5. Remember, the suggestions above should also apply to the adults involved.

✧ Adversary Approach ✧

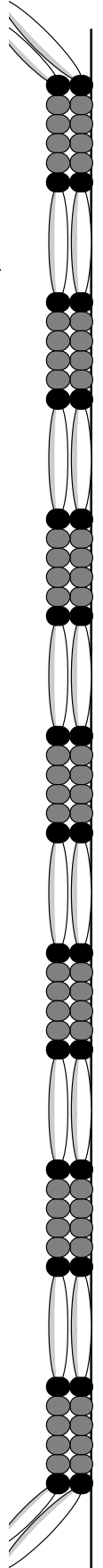
✧ Adversary: A Simplified Classroom Trial Technique

Advantages

1. By using *adversary* the students can be introduced into trial proceedings without much of the complexity of doing a mock trial.
2. It saves much time. Generally, adversary can be done very easily within one classroom period.
3. There are no minor roles. Each student critically involved as a major character.
4. Since the students are working in triads, shy or reluctant people are not forced to role play or act in front of others.
5. This can be an ideal method of developing a full mock trial. Simply add the roles as you wish. For example, on day two, each side may have a witness or have a jury involved, etc.

Instructions

1. The activity can be done with any size class.
2. Arbitrarily divide the class into groups of three. If anyone is left over, have them act as observer.
3. Have each participant in each group decide upon a role, such as judge, plaintiff or defendant. They will rotate roles for three rounds.
4. Using the role descriptions below, read the brief statements about each role.
5. Select a case and distribute FACTS of the case to all of the groups. Do not disclose the ISSUE or the DECISION at this time. To extend this activity, simply bring in more cases.*
6. Have the participants role-play within their individual groups. The plaintiff speaks first, then the defendant. The judge may ask questions before he makes his decision and gives his reasons.
7. Have judges explain decisions to the whole class.
8. It is likely that there will be more than one decision per case. Point out that, as in a real courtroom, there are many variables that enter into a decision; e.g., the judge, the testimony, how well the case was presented, etc.
9. Read ISSUE and DECISION to class, if appropriate.



10. Rotate the roles and repeat the process twice with a new case each time.

11. The following questions are suggested for debriefing the activity.

- a. Which is the most difficult role to play? Why?
- b. How well (realistically) did the participants play their roles?
- c. What were the issues in this case?
- d. Were the judge's decisions "fair"?

**See lesson plans for more ideas.*

Role Descriptions

- Judge: The judge must see that both sides have a fair change to present their cases. The judge should not interrupt or dominate the proceedings.
- Plaintiff: This person has accused the defendant of doing or not doing something which he thinks is unfair. He is the one who has asked the court to hear the case. In a small claims court the plaintiff is asking the judge to make the defendant pay him an amount of money (under \$500). He speaks to the judge first.
- Defendant: This person has been accused by the plaintiff. He has been summoned into court and is probably appearing against his will. He listens to the accusation and then either tries to prove it untrue or gives reasons to justify his actions.

Adapted from: Law in America Society Journal of the National Center for Law Education. Volume Two. Number Two. Nov. 1973. "Pro Se Court: A Simulation Game," Arlene Gallagher and Elliott Harstein, pp. 26-30.

✧ Teacher Reminders Of How To Relate To The Indian Child ✧

Although a number of these techniques relate specifically to American Indian children, many of the techniques addressed apply to effective teaching techniques that should be encouraged for all teaching.

1. Do not expect eye-contact when talking to an Indian child. Lowered eyes and head show respect.
2. The Indian child may not talk freely about himself before you first talk about yourself.
3. An Indian child may not be quick to respond individually. At first, he will perform best in groups. Individual response is often gradual.
4. Indian children at home learn much by observation and are not always allowed to ask questions. Therefore, an Indian student may not ask questions, if he is not urged.
5. Non-Indians should make the first move toward cooperation with the Indians. There will be very little communication with Indian children unless the teacher has the trust of the student.
6. Customarily Indian students have not been asked to express their opinions. They should be encouraged to contribute their thinking.
7. Idioms or expressions could be misunderstood or have no meaning to the child, such as "take your seat." The student may think you mean he should pick up his chair. Remember the child's first language may not be English and all terms are not easily translatable.

*Words Are Arrows
Words are arrows
and can pierce you hard.
Anger drips
from the
wounds
of
words
used like
arrows.
And pain
is remembered
in the
scars.*

*—White Deer of Autumn.
The Native American Book of Change*

8. Expect a gentle handshake as a sign of respect.
9. Expect a gentle subdued tone of voice.
10. Expect clock time to be more important to a non-Indian.
11. Avoid ethnocentric questions like, “What do Indians think about?”
12. Moral value differences—modesty maybe misunderstood as reluctance or shyness by the general society.
13. Respect must be mutual and understood.
14. Prejudicial attitudes may be the underlying problems that may not surface immediately yet may be the root of the problem. (This may not be easily recognized.)
15. Watch what you say. Sometimes remarks are made jokingly or unintentionally that affect a child personally. Avoid stereotypes about American Indians.
16. Lack of self-esteem or lack of self-identity. Finding a place to fit in and being accepted may result in problems for the child.
17. Be familiar with the child’s culture. Attend American Indian cultural events and make yourself visible within the Indian community.
18. There is a need to know that the cultural values of American Indian children may not be the same values of the general society.
19. Praise and scold privately, rather than in front of one's peer group.
20. Criticize constructively, never destructively. Accent the positive.
21. Smile—be friendly but not aggressive. Respect the child’s right to privacy.
22. Do not stand too close, talk loudly, nor too fast.
23. Listen closely, avoid intrusive questions.
24. The use of humor is important.
25. Do not use highly technical terms and jargon.
26. Active listening and time for thinking may result in a delayed response.
27. Demanding does not result in cooperation from a child.
28. Establish and maintain a warm climate where each child is recognized by himself and others as a worthy individual. Children recognize rejection when regarded as unworthy or hopeless. Each child has intrinsic worth. Each is unique.

NATIVE AMERICAN CULTURAL DIFFERENCES

	<u>NATIVE AMERICAN</u>	<u>EURO-AMERICAN</u>
TIME	Unscheduled deliberation Seasons Present/past Cyclic	Scheduled speed Dates Present/future Linear
SPACE	Personal Communal	Personal Private
POSSESSIONS	Accumulation To survive To share	Accumulation To possess For status
FAMILY UNIT	Extended Inter-generational	Nuclear Separated by age
ACHIEVEMENT	Through cooperation Honored by giving	Through competition Honored through receiving
RELIGION	Inclusive Inter-related Individualized	Exclusive Separatist Institutionalized
SOCIAL STATUS	Family Name Tribal affiliation	Economic Status Occupation
LEARNING STYLE	Oral Conceptual Visual Perceptual Experiential Learn by experience	Audio To record/recite Visual Literate Scientific Methodical

(1)(2) This information was adapted from: Native American Family Empowerment Cultural Sensitivity Training For Professional Educational and Social Service Providers. This project was funded by a grant from the United States Department of Agriculture through the Cooperative Extension Service and Montana State University.

✧ Legal Issues Governing American Indian Tribes ✧

If a man loses anything and goes back and looks carefully for it, he will find it . . . I feel that my country has gotten a bad name, and I want it to have a good one; and I sit sometimes and wonder who has given it a bad name.

—Sitting Bull

✧ Court Decisions

Constitution Art. 1 Sec. 8 (Commerce Clause)—define the sovereign status of Indian tribes.

Marbury v. Madison—established the right of the Supreme Court to interpret law.

Johnson v. McIntosh 1823—**discovery doctrine**; the Indians retain the right of occupancy on lands discovered by Europeans/United States. The ‘discovery’ nation must still negotiate treaties with the Indians for land acquisition.

Cherokee v. Georgia 1831—Tribes are **domestic dependent** nations subject to U.S. Congress but not state law, but as such retain their right of tribal sovereignty. The dominant state must protect the right of the tribe to govern themselves.

Tulle v. Washington 1942—Cannons of Treaty Construction.

When the Supreme Court makes a court ruling regarding Indian treaties the following principles must apply:

1. Ambiguous language in treaties will be decided in Indian's favor.
2. Treaties are to be interpreted as Indians would have understood.
3. Treaties will be liberally construed in favor of the Indians.
4. Treaties keep for Indians all rights that have not been granted away.

Oliphant v. Suquamish Indian Tribe 1978—limits tribal jurisdiction over non-Indians to misdemeanors in criminal cases, unless expressly granted by Congress.

✧ Congressional Law

Northwest Ordinance 1789—Indian lands shall never be taken away without Indian consent unless in justified and lawful wars authorized by Congress.

BIA established 1924—The BIA was created to carry out the trust responsibility of the federal government. However, this agency has become a vehicle to assimilate the Indian people.

Indian Removal Act 1830— Moves eastern Indian tribes west of Mississippi River.

Cheyenne (Tongue Indian River) 1884—Creates the Cheyenne Indian Reservation.

Fort Belknap 1888—Creates the reservation for the Gros Ventre and Assiniboine.

Rocky Boy 1916—Creates the reservation for the Chippewa and Cree people.

Metis—Decedents of The Little Shell Band of Chippewa who are without a land base. The leadership of this group continues its efforts to gain federal recognition as a tribe. (1993)

Major Crimes Act 1885—This act gave the federal government original jurisdiction over 14 major criminal offenses.

General Allotment Act 1887 (Dawes Act)—Reservation land divided into individual allotments. Excess lands not needed to provide Indian allotments was disposed for the purpose of non-Indian settlement.

Congressional Acts and Presidential Orders that reduced the size of reservations 1887 - 1934.

Enabling Act 1888—Western territories granted the right to apply for statehood with a written constitution that recognizes Indian land rights.

Indian Citizenship Act 1924—All Indians not recognized as citizens under the Allotment Act were granted citizenship.

Indian Reorganization Act 1934 (Wheeler-Howard)—The Act provides for Indian self-government, resource conservation and development.

Johnson - O'Malley Act 1936—Granted contracting authority with the states to the Secretary of the Interior for education, health, and social welfare.

Title 18, 1948 **"Indian Country"**—the land within the exterior boundaries of the reservations regardless of ownership status. Also included are Indian communities not within the boundaries of a reservation and all allotments with Indian title.

Public Law 280, 1953—Conveys to certain states the right to maintain law and order on designated Indian reservations.

Termination Laws -1953—Laws that ended the trust relationship with nearly a hundred tribes and poses a threat to all existing tribes.

*I have heard talk and talk . . . Good words do not last
long unless they amount to something.
—Chief Joseph*

Indian Civil Rights Act 1968—assuring certain rights against infringement, which are similar to those contained in the Bill of Rights.

Indian Self-Determination/Educational Assistance Act 1975—This act allows the tribe to administer federally funded programs.

Indian Child Welfare Act 1978—Gives superior jurisdiction to tribal courts in matters of adoption or foster care placement in cases involving children of Indian descent.

✴ **Montana Treaties**

“Reserved Right Doctrine”—while making treaties, tribes keep for themselves all rights not expressly granted to the federal government.

Fort Laramie Treaty 1851—Treaty that designated tribal reserves for all tribes in Montana except the Blackfeet, Salish, and Kootenai.

Hell Gate Treaty 1855—Treaty that designated tribal reserves for Salish and Kootenai tribes.

Blackfeet Treaty 1855—Treaty that designated tribal reserves for Blackfeet tribe.

Crow Treaty 1868—Treaty that designated tribal reserves for Crow Tribe.

Treaty Period end 1871—Further negotiation with tribes by federal

✴ **U.S. Constitution**

The utmost good faith shall always be observed toward the Indians; their land and property shall never be taken from them without their consent; and in their property, rights and liberty, they shall never be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded on justice and humanity shall from time to time be made, for preventing wrongs done to them, and for preserving peace and friendship with them.

—United States Congress Northwest Ordinance, 1787

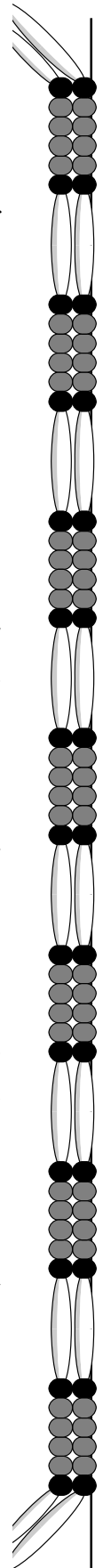
☀ TRIBES OR BANDS IDENTIFIED AS BENEFICIARY OR WARDS ☀

American Indians have been identified as “wards” of the federal government. This trustee relationship between the federal government and tribes/bands actually stems from the constitution of the United States in which Congress is the trustee. This is a result of the constitutional powers of Congress to ratify treaties and regulate commerce with Indian tribes/bands. Federal executive agencies have been delegated these trust responsibilities primarily under the Interior Department. The term ward and trustee was language used by the court system in 1832 under Chief Justice John Marshal, who formally identified the trustee relationship between the federal government and Indian tribes/bands. It is the responsibility of the federal government (Congress) to uphold the treaty provisions of Indian tribes/bands. Tribal lands are held in trust which means that these lands are free from state taxes. Indian tribes/bands are protected by the Bureau of Indian Affairs and they are entitled to the right of occupancy on lands established as reservations.

Today, the Indian tribes/bands do not consider themselves as “wards,” rather they recognize themselves as a beneficiary of the services and protections that are provided to them under the trustee relationship that exists under the treaty rights negotiated between Congress and Indian tribes/bands. Also, trust relationship is recognized under executive agreements, legislation, and court decisions. In 1934, Congress passed the Indian Reorganization Act. Some tribes adopted this federal policy. This act allowed tribes to establish their own tribal constitutions, to organize their own tribal governments, and to charter corporations. Tribes have the same right to compete for federal funding for government services as states, counties, and local governments. The tribes/bands have taken upon themselves to manage these federal funds in order to provide government services for their people, whether they are enrolled members of a tribe/band or live off the reservation.

Tribes/bands who have corporate charters are able to manage and establish business enterprises. They can also manage their tribal lands and natural resources for economic development. These tribal assets, such as the land, natural resources, and business enterprises on reservations, have indirectly benefited individual enrolled tribal members. They receive tribal dividends or per capita payments as share holders of their respected tribal corporations because they are enrolled members of a federally recognized tribe.

*Indians are the only race of people who must
legally prove that they are Indian.*





✧ OUR ELDERS FROM A NATIVE AMERICAN PERSPECTIVE ✧

In American Indian culture, elders are the people who are recognized as individuals knowledgeable in many aspects of American Indian culture, history, folklore, American Indian language, values, and spirituality. These individuals pass on the knowledge of tribal traditions. Elders, who are our teachers, are to be respected and valued as the caretakers and care providers of our American Indian way of life.

American Indians place no chronological age restriction when defining an elder. Rather, an elder is an individual who is knowledgeable in American Indian customs and traditions. This is realized by experience and through interactions with ones' family and tribal community. Our elders are held in high esteem. They are respected and appreciated for their wisdom and advice.

The White Buffalo Woman then turned to the children, because they have an understanding beyond their years and, among Indians, the right to be treated with respect which is shown to grownups. She told the little children what the grown men and women did was for them. That the children were the greatest possession of the nation, that they represented the coming generations, the life of the people, the circle without end. "Remember this and grow up, and then teach your children," she told them.

—Lame Deer and Erdoes, 1967

✧ AMERICAN INDIAN FOLKLORE ✧

The folklore of tribes throughout North America is used by tribesmen as a means to preserve and maintain their tribal heritage. Storytellers utilize this oral tradition as a method of passing on their culture, history, and geography. These stories further instruct youth in survival skills, prepare youth to be contributing adults, and instill the values and morals of the tribes. In the telling of tribal folklore, it is important that a person understand many tribes have serious taboos against the telling of specific stories during certain seasons. Historically, many of the tribal stories were told in the winter months when there was less tribal activity. It was during this time of less activity that children and adults could have greater concentration and attention focused on the folklore presented to them by the tribal storyteller. Modern tribes still observe the traditional seasonal storytelling taboos.

✧ Treaty of Fort Laramie Summary ✧

September 17, 1851

As emigrants crossed the plains in large numbers, diplomatic as well as military measures were undertaken to preserve peace with the Indians. A treaty established formal relations with the northern plains tribes at Fort Laramie in 1851 and sought to gain security for the overland travelers. The treaty set boundaries for the various tribes, authorized the United States to build roads and military posts, and provided restitution for damages to white travelers. A similar treaty was signed with the southern plains tribes at Fort Atkinson in July 1853.

An inherent stipulation in these treaty negotiations was the trust responsibility of the United States government to provide for the health, education and welfare of the Indian people.

Treaty of Fort Laramie

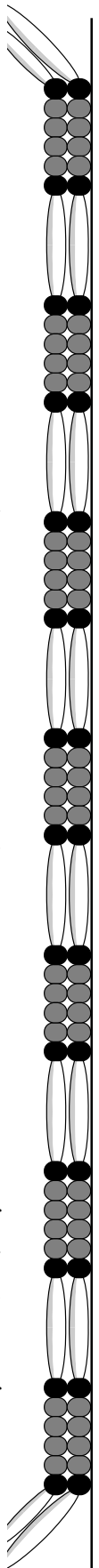
April 1868

A treaty with the Sioux and their allies was drawn up by the Indian Peace Commission at Fort Laramie in 1868. It recognized hunting rights of the Indians in the Powder River area, closed the Bozeman Trail and withdrew the military posts built to protect it, and established a Sioux reservation west of the Missouri in what became the state of South Dakota.

United States v. Sioux Nation of Indians

June 30, 1980

In the Treaty of Fort Laramie (1868) the United States guaranteed a large reservation to the Sioux and declared that no further cessions would be valid without the consent of three-fourths of the adult males. But in 1877, the land of the Black Hills was confiscated by the United States. For many years the Sioux sought court action to rectify that action. The Court of Claims finally decided that the 1877 law constituted an illegal taking of the land and that the Indians were due compensation with interest, for a total of more than \$100 million. The Supreme Court upheld that decision, thus weakening or discrediting the presumption of congressional good faith asserted in *Lone Wolf v. Hitchcock* (1903).





✱ THE FORT LARAMIE TREATY OF 1868 ✱

Treaty with the Sioux - Brulé, Oglala, Miniconjou, Yanktonai, Hunkpapa, Blackfeet, Cuthead, Two Kettle, sans Arcs, and Santee - and Arapaho, 1868.

✱ ARTICLE 1.

From this day forward all war between the parties to this agreement shall forever cease. The Government of the United States desires peace, and its honor is hereby pledged to keep it. The Indians desire peace, and they now pledge their honor to maintain it.

If bad men among the whites, or among other people subject to the authority of the United States, shall commit any wrong upon the person or property of the Indians, the United States will, upon proof made to the agent and forwarded to the Commissioner of Indian Affairs at Washington City, proceed at once to cause the offender to be arrested and punished according to the laws of the United States, and also reimburse the injured person for the loss sustained.

If bad men among the Indians shall commit wrong or depredation upon the person or property of any one, white, black, or Indian, subject to the authority of the United States, and at peace therewith, the Indians herein named solemnly agree that they will, upon proof made to their agent and notice by him, deliver up the wrong-doer to the United States, to be tried and punished according to its laws; and in case they willfully refuse so to do, the person injured shall be reimbursed for his loss from the annuities or other moneys due or to become due to them under this or other treaties made with the United States. And the President, on advising with the Commissioner of Indian Affairs, shall prescribe such rules and regulations for ascertaining damages under the provisions of this article as in his judgment may be proper. But no one sustaining loss while violating the provision of this treaty or the laws of the United States shall be reimbursed therefore.

✱ ARTICLE 2.

The United States agrees that the following district of country, to wit, viz: commencing on the east bank of the Missouri river where the forty-sixth parallel of north latitude crosses the same, thence along low-water mark down said east bank to a point opposite where the northern line of the State of Nebraska strikes the river, thence west across said river, and along the northern line of Nebraska to the one hundred and fourth degree of longitude west from Greenwich, thence north on said meridian to a point where the forty-sixth parallel of north latitude intercepts the same, thence due east along said parallel to the place of beginning; and in addition thereto, all existing reservations on the east bank of said river shall be, and the same is, set apart for the absolute and undisturbed use and occupation of the Indians herein named, and for such other friendly tribes of individual Indians as from time to time they may be willing, with the consent of the United States, to admit amongst them; and the United States now solemnly agrees that no persons except those herein designated and authorized so to do, and except such officers, agents, and employees of the government as may be authorized to enter upon Indian reservations in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon, or reside in the territory described in this article, or

in such territory as may be added to this reservation for the use of said Indians, and henceforth they will and do hereby relinquish all claims or right in and to any portion of the United States or Territories, except such as is embraced within the limits aforesaid, and except as hereinafter provided.

✴ ARTICLE 3.

If it should appear from actual survey or other satisfactory examination of said tract of land that it contains less than one hundred and sixty acres of tillable land for each person who, at the time, may be authorized to reside on it under the provisions of this treaty, and a very considerable number of such persons shall be disposed to commence cultivating the soil as farmers, the United States agrees to set apart, for the use of said Indians, as herein provided, such additional quantity of arable land, adjoining to said reservation, or as near to the same as it can be obtained, as may be required to provide the necessary amount.

✴ ARTICLE 4.

The United States agrees, at its own proper expense, to construct at some place on the Missouri River, near the center of said reservation, where timber and water may be convenient, the following buildings, to wit: a warehouse, a storeroom for the use of the agent in storing goods belonging to the Indians, to cost not less than twenty-five hundred dollars; an agency-building for the residence of the agent, to cost not exceeding three thousand dollars; a residence for the physician, to cost not more than three thousand dollars; and five other buildings, for a carpenter, farmer, blacksmith, miller, and engineer, each to cost not exceeding two thousand dollars; also a schoolhouse or mission-building, so soon as a sufficient number of children can be induced by the agent to attend school, which shall not cost exceeding five thousand dollars.

The United States agrees further to cause to be erected on said reservation, near the other buildings herein authorized, a good steam circular-saw mill, with a grist-mill and shingle-machine attached to the same, to cost not exceeding eight thousand dollars.

✴ ARTICLE 5.

The United States agrees that the agent for said Indians shall in the future make his home at the agency-building; that he shall reside among them, and keep an office open at all times for the purpose of prompt and diligent inquiry into such matters of complaint by and against the Indians as may be presented for investigation under the provisions of their treaty stipulations, as also for the faithful discharge of other duties enjoined on him by law. In all cases of depredation on person or property he shall cause the evidence to be taken in writing and forwarded, together with his findings, to the Commissioner of Indian Affairs, whose decision, subject to the revision of the Secretary of the Interior, shall be binding on the parties to this treaty.

✴ ARTICLE 6.

If any individual belonging to said tribes of Indians, or legally incorporated with them, being the head of a family, shall desire to commence farming, he shall have the privilege to select, in the

presence and with the assistance of the agent then in charge, a tract of land within said reservation, not exceeding three hundred and twenty acres in extent, which tract, when so selected, certified, and recorded in the "land-book," as herein directed, shall cease to be held in common, but the same may be occupied and held in the exclusive possession of the person selecting it, and of his family, so long as he or they may continue to cultivate it.

Any person over eighteen years of age, not being the head of a family, may in like manner select and cause to be certified to him or her, for purposes of cultivation, a quantity of land not exceeding eighty acres in extent, and thereupon be entitled to the exclusive possession of the same as above directed.

For each tract of land so selected a certificate, containing a description thereof and the name of the person selecting it, with a certificate endorsed thereon that the same has been recorded, shall be delivered to the party entitled to it, by the agent, after the same shall have been recorded by him in a book to be kept in his office, subject to inspection, which said book shall be known as the "Sioux Land-Book."

The President may, at any time, order a survey of the reservation, and, when so surveyed, Congress shall provide for protecting the rights of said settlers in their improvements, and may fit the character of the title held by each. The United States may pass such laws on the subject of alienation and descent of property between the Indians and their descendants as may be thought proper. And it is further stipulated that any male Indians, over eighteen years of age, of any band or tribe that is or shall hereafter become a party to this treaty, who now is or who shall hereafter become a resident or occupant of any reservation or Territory not included in the tract of country designated and described in this treaty for the permanent home of the Indians, which is not mineral land, nor reserved by the United States for special purposes other than Indian occupation, and who shall have made improvements thereon of the value of two hundred dollars or more, and continuously occupied the same as a homestead for the term of three years, shall be entitled to receive from the United States a patent for one hundred and sixty acres of land including his said improvements, the same to be in the form of the legal subdivisions of the surveys of the public lands. Upon application in writing, sustained by the proof of two disinterested witnesses, made to the register of the local land-office when the land sought to be entered is within a land district, and when the tract sought to be entered is not in any land district, then upon said application and proof being made to the Commissioner of the General Land-

Office, and the right of such Indian or Indians to enter such tract or tracts of land shall accrue and be perfect from the date of his first improvements thereon, and shall continue as long as he continues his residence and improvements, and no longer. And any Indian or Indians receiving a patent for land under the foregoing provisions, shall thereby and fromthenceforth become and be a citizen of the United States, and be entitled to all the privileges and immunities of such citizens, and shall, at the same time, retain all his rights to benefits accruing to Indians under this treaty.

✴ ARTICLE 7.

In order to insure the civilization of the Indians entering into this treaty, the necessity of education is admitted, especially of such of them as are or may be settled on said agricultural reservations, and they therefore pledge themselves to compel their children, male and female, between the ages of six and sixteen years, to attend school; and it is hereby made the duty of the agent for said Indians to see that this stipulation is strictly complied with; and the United States agrees that for every thirty children between said ages who can be induced or compelled to attend school, a house shall be provided and a teacher competent to teach the elementary branches of an English education shall be furnished, who will reside among said Indians, and faithfully discharge his or her duties as a teacher. The provisions of this article to continue for not less than twenty years.

✴ ARTICLE 8.

When the head of a family or lodge shall have selected lands and received his certificate as above directed, and the agent shall be satisfied that he intends in good faith to commence cultivating the soil for a living, he shall be entitled to receive seeds and agricultural implements for the first year, not exceeding in value one hundred dollars, and for each succeeding year he shall continue to farm, for a period of three years more, he shall be entitled to receive seeds and implements as aforesaid, not exceeding in value twenty-five dollars.

And it is further stipulated that such persons as commence farming shall receive instruction from the farmer herein provided for, and whenever more than one hundred persons shall enter upon the cultivation of the soil, a second blacksmith shall be provided, with such iron, steel, and other material as may be needed.

✴ ARTICLE 9.

At any time after ten years from the making of this treaty, the United States shall have the privilege of withdrawing the physician, farmer, blacksmith, carpenter, engineer, and miller herein provided for, but in case of such withdrawal, an additional sum thereafter of ten thousand dollars per annum shall be devoted to the education of said Indians, and the Commissioner of Indian Affairs shall, upon careful inquiry into their condition, make such rules and regulations for the expenditure of said sum as will best promote the educational and moral improvement of said tribes.

✴ ARTICLE 10.

In lieu of all sums of money or other annuities provided to be paid to the Indians herein named, under any treaty or treaties heretofore made, the United States agrees to deliver at the agency-house on the reservation herein named, on or before the first day of August of each year, for thirty years, the following articles, to wit:

For each male person over fourteen years of age, a suit of good substantial woolen clothing, consisting of coat, pantaloons, flannel shirt, hat, and a pair of home-made socks.

For each female over twelve years of age, a flannel skirt, or the goods necessary to make it, a pair of woolen hose, twelve yards of calico, and twelve yards of cotton domestics.

For the boys and girls under the ages named, such flannel and cotton goods as may be needed to make each a suit as aforesaid, together with a pair of woolen hose for each.

And in order that the Commissioner of Indian Affairs may be able to estimate properly for the articles herein named, it shall be the duty of the agent each year to forward to him a full and exact census of the Indians, on which the estimate from year to year can be based.

And in addition to the clothing herein named, the sum of ten dollars for each person entitled to the beneficial effects of this treaty shall be annually appropriated for a period of thirty years, while such persons roam and hunt, and twenty dollars for each person who engages in farming, to be used by the Secretary of the Interior in the purchase of such articles as from time to time the condition and necessities of the Indians may indicate to be proper. And if within the thirty years, at any time, it shall appear that the amount of money needed for clothing under this article can be appropriated to better uses for the Indians named herein, Congress may, by law, change the appropriation to other purposes; but in no event shall the amount of this appropriation be withdrawn or discontinued for the period named. And the President shall annually detail an officer of the Army to be present and attest the delivery of all the goods herein named to the Indians, and he shall inspect and report on the quantity and quality of the goods and the manner of their delivery. And it is hereby expressly stipulated that each Indian over the age of four years, who shall have removed to and settled permanently upon said reservation and complied with the stipulations of this treaty, shall be entitled to receive from the United States, for the period of four years after he shall have settled upon said reservation, one pound of meat and one pound of flour per day, provided the Indians cannot furnish their own subsistence at an earlier date. And it is further stipulated that the United States will furnish and deliver to each lodge of Indians or family of persons legally incorporated with them, who shall remove to the reservation herein described and commence farming, one good American cow, and one good well-broken pair of American oxen within sixty days after such lodge or family shall have so settled upon said reservation.

✴ ARTICLE 11.

In consideration of the advantages and benefits conferred by this treaty, and the many pledges of friendship by the United States, the tribes who are parties to this agreement hereby stipulate that they will relinquish all right to occupy permanently the territory outside their reservation as herein defined, but yet reserve the right to hunt on any lands north of North Platte, and on the Republican Fork of the Smoky Hill River, so long as the buffalomay range thereon in such numbers as to justify the chase. And they, the said Indians, further expressly agree:

1st. That they will withdraw all opposition to the construction of the railroads now being built on the plains.

2d. That they will permit the peaceful construction of any railroad not passing over their reservation as herein defined.

3d. That they will not attack any persons at home, or travelling, nor molest or disturb any wagontrains, coaches, mules, or cattle belonging to the people of the United States, or to persons friendly therewith.

4th. They will never capture, or carry off from the settlements, white women or children.

5th. They will never kill or scalp white men, nor attempt to do them harm.

6th. They withdraw all pretence of opposition to the construction of the railroad now being built along the Platte River and westward to the Pacific Ocean, and they will not in future object to the construction of railroads, wagon-roads, mail-stations, or other works of utility or necessity, which may be ordered or permitted by the laws of the United States. But should such roads or other works be constructed on the lands of their reservation, the Government will pay the tribe whatever amount of damage may be assessed by three disinterested commissioners to be appointed by the President for that purpose, one of said commissioners to be a chief or head-man of the tribe.

7th. They agree to withdraw all opposition to the military posts or roads now established south of the North Platte River, or that may be established, not in violation of treaties heretofore made or hereafter to be made with any of the Indian tribes.

✱ ARTICLE 12.

No treaty for the cession of any portion or part of the reservation herein described which may be held in common shall be of any validity or force as against the said Indians, unless executed and signed by at least three-fourths of all the adult male Indians, occupying or interested in the same; and no cession by the tribe shall be understood or construed in such manner as to deprive, without his consent, any individual member of the tribe of his rights to any tract of land selected by him, as provided in Article 6 of this treaty.

✱ ARTICLE 13.

The United States hereby agrees to furnish annually to the Indians the physician, teachers, carpenter, miller, engineer, farmer, and blacksmiths as herein contemplated, and that such appropriations shall be made from time to time, on the estimates of the Secretary of the Interior, as will be sufficient to employ such persons.

✱ ARTICLE 14.

It is agreed that the sum of five hundred dollars annually, for three years from date, shall be expended in presents to the ten persons of said tribe who in the judgment of the agent may grow the most valuable crops for the respective year.

✱ ARTICLE 15.

The Indians herein named agree that when the agency-house or other buildings shall be constructed on the reservation named, they will regard said reservation their permanent home, and they

will make no permanent settlement elsewhere; but they shall have the right, subject to the conditions and modifications of this treaty, to hunt, as stipulated in Article 11 hereof.

✱ **ARTICLE 16.**

The United States hereby agrees and stipulates that the country north of the North Platte River and east of the summits of the Big Horn Mountains shall be held and considered to be unceded Indian territory, and also stipulates and agrees that no white person or persons shall be permitted to settle upon or occupy any portion of the same; or without the consent of the Indians first had and obtained, to pass through the same; and it is further agreed by the United States that within ninety days after the conclusion of peace with all the bands of the Sioux Nation, the military posts now established in the territory in this article named shall be abandoned, and that the road leading to them and by them to the settlements in the Territory of Montana shall be closed.

✱ **ARTICLE 17.**

It is hereby expressly understood and agreed by and between the respective parties to this treaty that the execution of this treaty and its ratification by the United States Senate shall have the effect, and shall be construed as abrogating and annulling all treaties and agreements heretofore entered into between the respective parties hereto, so far as such treaties and agreements obligate the United States to furnish and provide money, clothing, or other articles of property to such Indians and bands of Indians as become parties to this treaty, but no further.

In testimony of all which, we, the said commissioners, and we, the chiefs and headmen of the Brulé band of the Sioux nation, have hereunto set our hands and seals at Fort Laramie, Dakota Territory, this twenty-ninth day of April, in the year one thousand eight hundred and sixty-eight.

☀ Treaty of Hellgate ☀

Treaty of July 16, 1855, 12 Stat. 975

Ratified March 8, 1859. Proclaimed April 18, 1859.

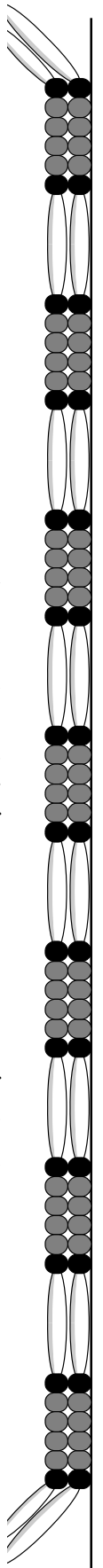
JAMES BUCHANAN,
PRESIDENT OF THE UNITED STATES OF AMERICA,
TO ALL AND SINGULAR TO WHOM THESE
PRESENTS SHALL COME, GREETINGS:

Articles of agreement and convention made and concluded at the treaty ground at Hell Gate, in the Bitter Root Valley, this sixteenth day of July, in the year one thousand eight hundred and fifty-five, by and between Isaac I. Stevens, governor and superintendent of Indian affairs for the Territory of Washington, on the part of the United States, and the undersigned chiefs, headmen, and delegates of the confederated tribes of the Flathead, Kootenay, and Upper Pend d'Oreilles Indians, on behalf of and acting for said confederated tribes, and being duly authorized thereto by them. It being understood and agreed that the said confederated tribes do hereby constitute a nation, under the name of the Flathead Nation, with Victor, the head chief of the Flathead tribe, as the head chief of the said nation, and that the several chiefs, headmen, and delegates, whose names are signed to this treaty, do hereby, in behalf of their respective tribes, recognize Victor as said head chief.

ARTICLE I. The said confederated tribes of Indians hereby cede, relinquish, and convey to the United States all their right, title, and interest in and to the country occupied or claimed by them, bounded and described as follows, to wit:

Commencing on the main ridge of the Rocky Mountains at the forty-ninth (49th) parallel of latitude, thence westwardly on that parallel to the divide between the Flat-bow or Kootenay River and Clarke's Fork; thence southerly and southeasterly along said divide to the one hundred and fifteenth degree of longitude, (115) thence in a southwesterly direction to the divide between the sources of the St. Regis Borgia and the Coeur d'Alene Rivers, thence southeasterly and southerly along the main ridge of the Bitter Root Mountains to the divide between the head-waters of the Koos-koos-kee River and of the southwestern fork of the Bitter Root River, thence easterly along the divide separating the waters of the several tributaries of the Bitter Root River from the waters flowing into the Salmon and Snake Rivers to the main ridge of the Rocky Mountains, and thence northerly along said main ridge to the place of beginning.

ARTICLE II. There is, however, reserved from the lands above ceded, for the use and occupation of the said confederated tribes, and as a general Indian reservation upon which may be placed other friendly tribes and bands of Indians of the Territory of Washington who may agree to



be consolidated with the tribes parties to this treaty, under the common designation of the Flathead Nation, with Victor, head chief of the Flathead tribe, as the head chief of the nation, the tract of land included within the following boundaries, to wit:

Commencing at the source of the main branch of the Jocko River; thence along the divided separating the waters flowing into the Bitter Root River from those flowing into the Jocko to a point on Clarke's Fork between the Camas and Horse Prairies; thence northerly to, and along the divide bounding on the west the Flathead River, to a point due west from the point half way in latitude between the northern and southern extremities of the Flathead Lake; thence on a due east course to the divide whence the Crow, the Prune, the So-ni-el-em and the Jocko Rivers take their rise, and thence southerly along said divide to the place of beginning.

All which tract shall be set apart, and, so far as necessary, surveyed and marked out for the exclusive use and benefit of said confederated tribes as an Indian reservation. Nor shall any white man, excepting those in the employment of the Indian department, be permitted to reside upon the said reservation without permission of the confederated tribes, and the superintendent and agent. And the said confederated tribes agree to remove to and settle upon the same within one year after the ratification of this treaty. In the meantime it shall be lawful for them to reside upon any ground not in the actual claim and occupation of citizens of the United States, and upon any ground claimed or occupied, if with the permission of the owner or claimant.

Guaranteeing however the right to all citizens of the United States to enter upon and occupy as settlers any lands not actually occupied and cultivated by said Indians at this time, and not including in the reservation above named. And provided, That any substantial improvements heretofore made by any Indian, such as fields enclosed and cultivated and houses erected upon the lands hereby ceded, and which he may be compelled to abandon in consequence of this treaty, shall be valued under the direction of the President of the United States, and payment made therefor in money, or improvements of an equal value be made for said Indian upon the reservation; and no Indian will be required to abandon the improvements aforesaid, now occupied by him, until their value in money or improvements of an equal value shall be furnished him as aforesaid.

ARTICLE III. And provided, That if necessary for the public convenience roads may be run through the said reservation; and, on the other hand, the right of way with freeaccess from the same to the nearest public highway is secured to them, as also the right in common with citizens of the United States to travel upon all public highways.

The exclusive right of taking fish in all the streams running through or bordering said reservation is further secured to said Indians; as also the right of taking fish at all usual and accustomed places, in common with citizens of the Territory, and of erecting temporary buildings for curing; together with the privilege of hunting, gathering roots and berries, and pasturing their horses and cattle upon open and unclaimed land.

ARTICLE IV. In consideration of the above cession, the United States agree to pay to the said confederated tribes of Indians, in addition to the goods and provisions distributed to them at the

time of signing this treaty the sum of one hundred and twenty thousand dollars in the following manner--that is to say:

For the first year after the ratification hereof, thirty-six thousand dollars, to be expended under the direction of the President, in providing for their removal to the reservation, breaking up and fencing farms, building houses for them, and for such other objects as he may deem necessary. For the next four years, six thousand dollars each year; for the next five years, five thousand dollars each year; for the next five years, four thousand dollars each year; and for the next five years, three thousand dollars each year.

All which said sums of money shall be applied to the use and benefit of the said Indians, under the direction of the President of the United States, who may from time to time determine, at his discretion, upon what beneficial objects to expend the same for them, and the superintendent of Indian affairs, or other proper officer, shall each year inform the President of the wishes of the Indians in relation thereto.

ARTICLE V. The United States further agree to establish at suitable points within said reservation, within one year after the ratification hereof, an agricultural and industrial school, erecting the necessary buildings, keeping the same in repair, and providing it with furniture, books and stationery, to be located at the agency, and to be free to the children of the said tribes, and to employ a suitable instructor or instructors. To furnish one black-smith shop; to which shall be attached a tin and gun shop; one carpenter's shop; one wagon and ploughmaker's shop; and to keep the same in repair, and furnish with the necessary tools. To employ two farmers, one blacksmith, one tinner, one gunsmith, one carpenter, one wagon and one plough maker, for the instruction of the Indians in trades, and to assist them in the same. To erect one sawmill and one flouring-mill, keeping the same in repair and furnished with the necessary tools and fixtures, and to employ two millers. To erect a hospital, keeping the same in repair, and providing with the necessary medicines and furniture, and to employ a physician; and to erect, keep in repair, and provide the necessary furniture the buildings required for the accommodation of the said employees. The said buildings and establishments to be maintained and kept in repair as aforesaid, and the employees to be kept in service for the period of twenty years.

And in view of the fact that the head chiefs of the said confederated tribes of Indians are expected and will be called upon to perform many services of a public character, occupying much of their time, the United States further agree to pay to each of the Flathead, Kootenay, and Upper Pend d'Oreilles tribes five hundred dollars per year, for the term of twenty years after the ratification hereof, as a salary for such persons as the said confederated tribes may select to be their head chiefs, and to build for them at suitable points on the reservation a comfortable house, and properly furnish the same, and to plough and fence for each of them ten acres of land. The salary to be paid to, and the said houses to be occupied by, such head chiefs so long as they may be elected to that position by their tribes, and no longer.

And all the expenditures and expenses contemplated in this article of this treaty shall be defrayed by the United States, and shall not be deducted from the annuities agreed to be paid to said

tribes. Nor shall the cost of transporting the goods for the annuity payments be a charge upon the annuities, but shall be defrayed by the United States.

ARTICLE VI. The President may from time to time, at his discretion, cause the whole, or said portion of such reservation as he may think proper, to be surveyed into lots, and assign the same to such individuals or families of the said confederated tribes as are willing to avail themselves of the privilege, and will locate on the same as a permanent home, on the same terms and subject to the same regulations as are provided in the sixth article of the treaty with the Omahas, so far as the same may be applicable.

ARTICLE VII. The annuities of the aforesaid confederated tribes of Indians shall not be taken to pay the debts of individuals.

ARTICLE VIII. The aforesaid confederated tribes of Indians acknowledge their dependence upon the Government of the United States, and promise to be friendly with all citizens thereof, and pledge themselves to commit no depredations upon the property of such citizens. And should any one or more of them violate this pledge, and the fact be satisfactorily proved before the agent, the property taken shall be returned, or in default thereof, or is injured or destroyed, compensation may be made by the Government out of the annuities. Nor will they make war on any other tribe except in self-defense, but will submit all matters of difference between them and other Indians to the Government of the United States, or its agent, for decision, and abide thereby. And if any of the said Indians commit any depredations on any other Indians within the jurisdiction of the United States, the same rule shall prevail as that prescribed in this article, in case of depredations against citizens. And the said tribes agree not to shelter or conceal offenders against the laws of the United States, but to deliver them up to the authorities for trial.

ARTICLE IX. The said confederated tribes desire to exclude from their reservation the use of ardent spirits, and to prevent their people from drinking the same; and therefore it is provided that any Indian belonging to said confederated tribes of Indians who is guilty of bringing liquor into said reservation, or who drinks liquor, may have him or her proportion of the annuities withheld from his or her for such time as the President may determine.

ARTICLE X. The United States further agree to guaranty the exclusive use of the reservation provided for in this treaty, as against any claims which may be urged by the Hudson Bay Company under the provisions of the treaty between the United States and Great Britain on the fifteenth of June, eighteen hundred and forty-six, in consequence of the occupation of a trading post on the Prun River by the servants of that company.

ARTICLE XI. It is, moreover, provided that the Bitter Root Valley, above the Loo-lo Fork, shall be carefully surveyed and examined, and if it shall prove, in the judgement of the President, to be better adapted to the wants of the Flathead tribe than the general reservation provided for in this treaty, then such portions of it as may be necessary shall be set apart as a separate reservation for the said tribe. No portion of the Bitter Root Valley, above the Loo-lo fork, shall be opened to the settlement until such examination is had and the decision of the President made known.

ARTICLE XII. This treaty shall be obligatory upon the contracting parties as soon as the same shall be ratified by the President and Senate of the United States.

In testimony whereof, the said Isaac I. Stevens, governor and superintendent of Indian affairs for the Territory of Washington, and the undersigned head chiefs, chiefs and principal men of the Flathead, Kootenay, and Upper Pend d'Oreilles tribes of Indians, have hereunto set their hands and seals, at the place and on the day and year hereinbefore written.

ISAAC I. STEVENS, Governor and Superintendent Indian Affairs W.T. (L.S.)

VICTOR, Head Chief of the Flathead Nation, his x mark. (L.S.)

ALEXANDER, Chief of the Upper Pend d'Oreilles, his x mark. (L.S.)

MICHELLE, Chief of the Kootenays, his x mark. (L.S.)

AMBROSE, his x mark. (L.S.)

PAH-SOH, his x mark. (L.S.)

BEAR TRACK, his x mark. (L.S.)

ADOLPHE, his x mark. (L.S.)

THUNDER, his x mark. (L.S.)

BIG CANOE, his x mark. (L.S.)

KOOTEL CHAH, his x mark. (L.S.)

PAUL, his x mark. (L.S.)

ANDREW, his x mark. (L.S.)

MICHELLE, his x mark. (L.S.)

BATTISTE, his x mark. (L.S.)

KOOTENAYS

GUN FLINT, his x mark. (L.S.)

LITTLE MICHELLE, his x mark. (L.S.)

PAUL SEE, his x mark. (L.S.)

MOSES, his x mark. (L.S.)

James Doty, Secretary.

R. H. Lansdale, Indian Agent.

W. H. Tappan, Sub Indian Agent.

Henry R. Crosire.

Gustavus Sohon, Flathead Interpreter.

A. J. Hoecken, Sp. Mis.

William Craig.

